



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1 **U.K.**

#### POLICE REFORM

### CHAPTER 3 **E+W**

#### FUNCTIONS OF ELECTED LOCAL POLICING BODIES ETC

##### *Community safety and crime prevention*

#### **5 Police and crime commissioners to issue police and crime plans **E+W****

- (1) The police and crime commissioner for a police area must issue a police and crime plan within the financial year in which each ordinary election is held.
- (2) A police and crime commissioner must comply with the duty under subsection (1) as soon as practicable after the commissioner takes office.
- (3) A police and crime commissioner may, at any time, issue a police and crime plan.
- (4) A police and crime commissioner may vary a police and crime plan.
- (5) In issuing or varying a police and crime plan, a police and crime commissioner must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.

[<sup>F1</sup>(5A) Subsections (5B) to (5E) apply to a police and crime commissioner for a police area—

- (a) which corresponds to the area of a fire and rescue authority created by an order under section 4A, or
- (b) within which the area of such a fire and rescue authority falls.

*Status: Point in time view as at 03/04/2017.*

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- (5B) Subject to subsection (5E), in issuing or varying a police and crime plan, the police and crime commissioner must have regard to—
- (a) the current Fire and Rescue National Framework prepared under section 21 of the Fire and Rescue Services Act 2004, and
  - (b) the last document prepared and published by the fire and rescue authority in accordance with that Framework which sets out the authority's priorities and objectives, for the period covered by the document, in connection with the discharge of the authority's functions.
- (5C) A police and crime plan which the police and crime commissioner is required to prepare may be prepared jointly by the commissioner and the fire and rescue authority.
- (5D) If the police and crime commissioner and the fire and rescue authority prepare a joint police and crime plan, the plan must also set out the fire and rescue authority's priorities and objectives, for the period of the plan, in connection with the discharge of the authority's functions.
- (5E) Subsection (5B)(b) does not apply to a joint police and crime plan.]
- (6) Before issuing or varying a police and crime plan, a police and crime commissioner must—
- (a) prepare a draft of the plan or variation,
  - (b) consult the relevant chief constable in preparing the draft plan or variation,
  - (c) send the draft plan or variation to the relevant police and crime panel,
  - (d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 28(3)),
  - (e) give the panel a response to any such report or recommendations, and
  - (f) publish any such response.
- (7) In complying with subsection (6)(c), the police and crime commissioner must ensure that the relevant police and crime panel has a reasonable amount of time to exercise its functions under section 28(3).
- (8) A police and crime commissioner must consult the relevant chief constable before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).
- (9) A police and crime commissioner must—
- (a) keep the police and crime plan under review, and
  - (b) in particular, review the police and crime plan in the light of—
    - (i) any report or recommendations made to the commissioner by the relevant police and crime panel under section 28(4), and
    - (ii) any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996;
 and exercise the powers under subsection (3) or (4) accordingly.
- (10) A police and crime commissioner who issues or varies a police and crime plan must—
- (a) send a copy of the issued plan, or the variation, to the relevant chief constable and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the relevant police area, and

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- (b) publish a copy of the issued plan, or the variation.
- (11) The duty under subsection (10) to send or publish a copy of the variation may instead be satisfied by sending or publishing a copy of the plan as varied.
- (12) It is for the commissioner to determine the manner in which—
  - (a) a response to a report or recommendations is to be published in accordance with subsection (6)(f), and
  - (b) a copy of the plan or variation is to be published in accordance with subsection (10) (b).
- (13) In this section—
  - “financial year” means the financial year of the police and crime commissioner;
  - “ordinary election”, in relation to the police and crime commissioner for a police area, means an election held under section 50 in relation to that area.

#### Textual Amendments

- F1** S. 5(5A)-(5E) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 88**; S.I. 2017/399, reg. 2, **Sch. para. 38**

#### Modifications etc. (not altering text)

- C1** S. 5(6)-(12) applied (with modifications) by 2004 c. 21, **Sch. A2 para. 3** (as inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 13**; S.I. 2017/399, reg. 2, **Sch. para. 38**)

#### Commencement Information

- I1** S. 5 in force at 22.11.2012 by S.I. 2012/2892, **art. 2(a)**

## 6 Mayor's Office for Policing and Crime to issue police and crime plans **E+W**

- (1) The Mayor's Office for Policing and Crime must issue a police and crime plan within the financial year in which each ordinary election is held.
- (2) The Mayor's Office for Policing and Crime must comply with the duty under subsection (1) as soon as practicable after the person elected in the ordinary election takes office.
- (3) The Mayor's Office for Policing and Crime may, at any time, issue a police and crime plan.
- (4) The Mayor's Office for Policing and Crime may vary a police and crime plan.
- (5) In issuing or varying a police and crime plan, the Mayor's Office for Policing and Crime must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.
- (6) Before issuing or varying a police and crime plan, the Mayor's Office for Policing and Crime must—
  - (a) prepare a draft of the plan or variation,

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- (b) consult the Commissioner of Police of the Metropolis in preparing the draft plan or variation,
  - (c) send the draft plan or variation to the police and crime panel of the London Assembly (see section 32),
  - (d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 33(1)),
  - (e) give the panel a response to any such report or recommendations, and
  - (f) publish any such response.
- (7) In complying with subsection (6)(c), the Mayor's Office for Policing and Crime must ensure that the police and crime panel has a reasonable amount of time to exercise its functions under section 33(1).
- (8) The Mayor's Office for Policing and Crime must consult the Commissioner of Police of the Metropolis before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).
- (9) The Mayor's Office for Policing and Crime must—
- (a) keep the police and crime plan under review, and
  - (b) in particular, review the police and crime plan in the light of any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996;
- and exercise the powers under subsection (3) or (4) accordingly.
- (10) The provisions of the 1999 Act set out in subsection (11) apply to the Mayor's Office for Policing and Crime and police and crime plans as the provisions apply to the Mayor of London and the relevant mayoral strategies.
- (11) Those provisions of the 1999 Act are—
- (a) section 33(1)(b) and (c) (equality of opportunity);
  - (b) section 41(4)(b) and (c), (5), (6)(a) and (b), (7) to (8A), and (10) to (12) (general duties in preparing and revising strategies);
  - (c) section 42(1) and (6) (consultation);
  - (d) section 42A (apart from subsection (2)) (consultation: supplementary provision);
  - (e) section 43 (publicity and availability of strategies);
  - (f) section 44 (directions by the Secretary of State).
- (12) Section 41(5)(b) of the 1999 Act has effect in relation to the Mayor of London as if the police and crime plan were a strategy listed in section 41(1) of the 1999 Act.
- (13) The Mayor of London and the Mayor's Office for Policing and Crime must co-operate with each other in exercising their respective functions under section 41(5)(b) of the 1999 Act.
- (14) In its application by virtue of subsection (11)(e), section 43(2) of the 1999 Act (duty to send copies of current version of police and crime plan) has effect with the insertion after “to each London borough council” of the words “and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the metropolitan police district”.

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(15) In this section—

“1999 Act” means the Greater London Authority Act 1999;

“financial year” means the financial year of the Mayor's Office for Policing and Crime;

“ordinary election” means an election of the Mayor of London held under section 3 of the 1999 Act;

“relevant mayoral strategy”, in relation to a provision set out in subsection (11), means a strategy to which the provision applies.

#### Commencement Information

I2 S. 6 in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

## 7 Police and crime plans **E+W**

(1) A police and crime plan is a plan which sets out, in relation to the planning period, the following matters—

- (a) the elected local policing body's police and crime objectives;
- (b) the policing of the police area which the chief officer of police is to provide;
- (c) the financial and other resources which the elected local policing body is to provide to the chief officer of police for the chief officer to exercise the functions of chief officer;
- (d) the means by which the chief officer of police will report to the elected local policing body on the chief officer's provision of policing;
- (e) the means by which the chief officer of police's performance in providing policing will be measured;
- [<sup>F2</sup>(ea) the services which are to be provided by virtue of section 143 of the Anti-social Behaviour, Crime and Policing Act 2014;
- (f) any grants which the elected local policing body is to make under that section, and the conditions (if any) subject to which any such grants are to be made.]

(2) The elected local policing body's police and crime objectives are the body's objectives for—

- (a) the policing of the body's area,
- (b) crime and disorder reduction in that area, and
- (c) the discharge by the relevant police force of its national or international functions.

(3) A police and crime plan has effect from the start of the planning period until—

- (a) the end of that planning period, or
- (b) if another police and crime plan is issued in relation to the elected local policing body's area before the end of that planning period, the day when that other plan first has effect.

(4) The Secretary of State may give guidance to elected local policing bodies about the matters to be dealt with in police and crime plans.

(5) An elected local policing body must have regard to such guidance.

(6) Before giving guidance under subsection (4) the Secretary of State must consult—

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- (a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
  - (b) the Mayor's Office for Policing and Crime,
  - (c) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
  - (d) such other persons as the Secretary of State thinks fit.
- (7) In this section, in relation to a police and crime plan—
- “financial year” means the financial year of the elected local policing body;
  - “ordinary election”—
    - (a) in relation to a police and crime commissioner, has the meaning given in section 5;
    - (b) in relation to the Mayor's Office for Policing and Crime, has the meaning given in section 6;
  - “planning period”, in relation to a police and crime plan, is the period that—
    - (a) begins with—
      - (i) the day on which the plan is issued, or
      - (ii) if a qualifying day is specified in the plan as the day on which the plan is to begin to have effect, that day, and
    - (b) ends with the last day of the financial year in which the next ordinary election is expected to take place after the plan is issued;
  - “qualifying day” means a day which meets the following conditions (so far as applicable)—
    - (a) the day must fall after the day on which the plan is issued;
    - (b) the day must not fall after the day on which the next ordinary election is expected to take place after the plan is issued;
    - (c) in the case of a plan issued in accordance with the duty in section 5(1) or 6(1), the day must be, or fall before, the first day of the financial year following the financial year in which that duty must be complied with.

#### Textual Amendments

- F2** S. 7(1)(ea)(f) substituted for s. 7(1)(f) (20.3.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 97](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/630, art. 3(c)

#### Commencement Information

- I3** S. 7(1)-(5)(6)(b)-(d)(7) in force at 16.1.2012 by S.I. 2011/3019, art. 3, [Sch. 1](#)
- I4** S. 7(6)(a) in force at 22.11.2012 by S.I. 2012/2892, [art. 2\(a\)](#)

## 8 Duty to have regard to police and crime plan E+W

- (1) A police and crime commissioner must, in exercising the functions of commissioner, have regard to the police and crime plan issued by the commissioner.
- (2) The chief constable of the police force for a police area listed in Schedule 1 to the Police Act 1996 must, in exercising the functions of chief constable, have regard to the police and crime plan issued by the police and crime commissioner for that police area.
- (3) The Mayor's Office for Policing and Crime must, in exercising the functions of the Office, have regard to the police and crime plan issued by the Office.

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- (4) The Commissioner of Police of the Metropolis must, in exercising the functions of Commissioner, have regard to the police and crime plan issued by the Mayor's Office for Policing and Crime.
- (5) The Secretary of State may give guidance to a person subject to a duty under this section about how that duty is to be complied with.
- (6) A person given such guidance must have regard to the guidance.
- (7) Before giving guidance under subsection (5) the Secretary of State must consult—
  - (a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
  - (b) the Mayor's Office for Policing and Crime,
  - (c) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
  - (d) such other persons as the Secretary of State thinks fit.

#### Commencement Information

- I5** S. 8(1)(2)(7)(a) in force at 22.11.2012 by S.I. 2012/2892, art. 2(a)  
**I6** S. 8(3)-(6)(7)(b)-(d) in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

### <sup>F3</sup> **Crime and disorder reduction grants** **E+W**

#### Textual Amendments

- F3** S. 9 repealed (20.3.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 98 (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/630, art. 3(c)

#### Commencement Information

- I7** S. 9 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1  
**I8** S. 9 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

### **10 Co-operative working** **E+W**

- (1) The elected local policing body for a police area must, in exercising its functions, have regard to the relevant priorities of each responsible authority.
- (2) The elected local policing body for a police area, in exercising its functions, and a responsible authority, in exercising its functions conferred by or under section 6 of the Crime and Disorder Act 1998 in relation to that police area, must act in co-operation with each other.
- (3) The elected local policing body for a police area, and the criminal justice bodies which exercise functions as criminal justice bodies in that police area, must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area.

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- (4) The references in this section to a responsible authority exercising functions in relation to a police area are references to the responsible authority exercising the functions in relation to a local government area that is comprised, or included, in the police area.
- (5) In this section—
- “criminal justice body”, in relation to the elected local policing body for a police area, means—
- (a) the chief officer of police for that police area;
  - (b) the Crown Prosecution Service;
  - (c) the Lord Chancellor, in exercising functions under section 1 of the Courts Act 2003 (duty to ensure efficient and effective courts service);
  - (d) a Minister of the Crown, in exercising functions in relation to prisons (within the meaning of the Prison Act 1952);
  - (e) a youth offending team established under section 39 of the Crime and Disorder Act 1998;
  - (f) a person with whom the Secretary of State has made contractual or other arrangements, under section 3(2) of the Offender Management Act 2007, for the making of probation provision;
  - (g) the Secretary of State, in making probation provision in accordance with arrangements made by the Secretary of State under section 3(5) of the Offender Management Act 2007;
- “functions” does not include functions which are exercisable only in relation to Wales and relate to matters in relation to which the Welsh Ministers have functions;
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- “relevant priority”, in relation to a responsible authority, means a priority applicable to the exercise of that authority's functions which is identified by that authority in compliance with a requirement imposed by regulations made under section 6(2) of the Crime and Disorder Act 1998;
- “responsible authority” has the same meaning as in section 5 of the Crime and Disorder Act 1998.

#### **Commencement Information**

**I9** S. 10 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1

**I10** S. 10 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)



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