



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 4

##### ACCOUNTABILITY OF ELECTED LOCAL POLICING BODIES

##### *Scrutiny of police and crime commissioners*

#### **28 Police and crime panels outside London**

- (1) Each police area, other than the metropolitan police district, is to have a police and crime panel established and maintained in accordance with Schedule 6 (police and crime panels).

[<sup>F1</sup>(1A) Subsection (1B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.

- (1B) The police and crime panel for the police area is to be known as “the Police, Fire and Crime Panel”.]

- (2) The functions of the police and crime panel for a police area must be exercised with a view to supporting the effective exercise of the functions of the police and crime commissioner for that police area.
- (3) A police and crime panel must—

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- (a) review the draft police and crime plan, or draft variation, given to the panel by the relevant police and crime commissioner in accordance with section 5(6)(c), and
  - (b) make a report or recommendations on the draft plan or variation to the commissioner.
- (4) A police and crime panel must—
- (a) arrange for a public meeting of the panel to be held as soon as practicable after the panel is sent an annual report under section 12,
  - (b) ask the police and crime commissioner, at that meeting, such questions about the annual report as the members of the panel think appropriate,
  - (c) review the annual report, and
  - (d) make a report or recommendations on the annual report to the commissioner.
- (5) A police and crime panel has the functions conferred by Schedules 1 (procedure for appointments of senior staff), 5 (issuing precepts) and 8 (procedure for appointments by police and crime commissioners).
- (6) A police and crime panel must—
- (a) review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions; and
  - (b) make reports or recommendations to the relevant police and crime commissioner with respect to the discharge of the commissioner's functions, insofar as the panel is not otherwise required to do so by subsection (3) or (4) or by Schedule 1, 5 or 8.
- (7) A police and crime panel must publish any reports or recommendations made to the relevant police and crime commissioner.
- (8) The police and crime panel for a police area in England must send copies of any such reports or recommendations to each local authority whose area falls wholly or partly within the police area.
- (9) It is for the police and crime panel to determine the manner in which reports or recommendations are to be published in accordance with subsection (7).
- (10) Schedule 6 (police and crime panels) has effect.
- (11) In this section “local authority” means a county council or a district council.

#### **Textual Amendments**

- F1** S. 28(1A)(1B) 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. 89**; S.I. 2017/399, reg. 2, Sch. para. 38

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

- C1** S. 28 applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 1 para. 23**
- C2** S. 28(2)-(9) applied (with modifications) by 2004 c. 21, Sch. A2 para. 8 (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)

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- C3** S. 28(11) applied (with modifications) by 2004 c. 21, Sch. A2 para. 8 (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. 28(1)(10) in force at 25.4.2012 by [S.I. 2012/1129](#), [art. 2\(a\)](#)  
**I2** S. 28(2)-(9) (11) in force at 22.11.2012 by [S.I. 2012/2892](#), [art. 2\(a\)](#)

## 29 Power to require attendance and information

- (1) A police and crime panel may require the relevant police and crime commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.
- (2) Nothing in subsection (1) requires a member of the police and crime commissioner's staff to give any evidence, or produce any document, which discloses advice given to the commissioner by that person.
- (3) A police and crime panel may require the relevant police and crime commissioner to respond in writing (within a reasonable period determined by the panel) to any report or recommendation made by the panel to the commissioner.
- (4) The police and crime commissioner must comply with any requirement imposed by the panel under subsection (1) or (3).
- (5) Members of the staff of the police and crime commissioner must comply with any requirement imposed on them under subsection (1).
- (6) If a police and crime panel requires the relevant police and crime commissioner to attend before the panel, the panel may (at reasonable notice) request the relevant chief constable to attend before the panel on the same occasion to answer any question which appears to the panel to be necessary in order for it to carry out its functions.

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

- C4** S. 29 applied (with modifications) by 2004 c. 21, [Sch. A2 para. 9](#) (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](#))  
**C5** S. 29 applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), [Sch. 1 para. 24](#)

#### Commencement Information

- I3** S. 29 in force at 22.11.2012 by [S.I. 2012/2892](#), [art. 2\(a\)](#) (with art. 5(4))

## 30 Suspension of police and crime commissioner

- (1) A police and crime panel may suspend the relevant police and crime commissioner if it appears to the panel that—
  - (a) the commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and

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- (b) the offence is one which carries a maximum term of imprisonment exceeding two years.
- (2) The suspension of the police and crime commissioner ceases to have effect upon the occurrence of the earliest of these events—
  - (a) the charge being dropped;
  - (b) the police and crime commissioner being acquitted of the offence;
  - (c) the police and crime commissioner being convicted of the offence but not being disqualified under section 66 by virtue of the conviction;
  - (d) the termination of the suspension by the police and crime panel.
- (3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the police and crime commissioner is to be treated as not holding that office during that suspension.
- (4) In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references—
  - (a) to an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
  - (b) to an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

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

- C6** S. 30 applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), [Sch. 1 para. 25](#)

**Commencement Information**

- I4** S. 30 in force at 22.11.2012 by [S.I. 2012/2892](#), [art. 2\(a\)](#)

*Conduct*

**31 Conduct**

- (1) The Secretary of State may, by regulations, make provision about—
  - (a) the making and handling of complaints about the conduct of relevant office holders (“qualifying complaints”);
  - (b) the recording of matters in the case of which there is an indication (whether from the circumstances or otherwise) that a relevant office holder may have committed a criminal offence (“conduct matters”);
  - (c) the manner in which qualifying complaints and conduct matters are investigated or otherwise dealt with.
- (2) Schedule 7 (regulations about complaints and conduct matters) has effect.
- (3) In this section and that Schedule “relevant officer holder” means the holder of any of the following offices—
  - (a) police and crime commissioner;
  - (b) deputy police and crime commissioner;
  - (c) the Mayor's Office for Policing and Crime;

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(d) Deputy Mayor for Policing and Crime.

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

- C7** S. 31 applied by 2004 c. 21, Sch. A2 para. 10 (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)
- C8** S. 31 applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), [Sch. 1 para. 26](#)
- C9** S. 31(1)(a)-(c): power to modify conferred by 2009 c. 20, [Sch. 5C para. 8](#) (as inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), [Sch. 2](#))

**Commencement Information**

- I5** S. 31 in force at 31.10.2011 by S.I. 2011/2515, [art. 2\(a\)](#)

*Scrutiny of Mayor's Office for Policing and Crime*

**32 London Assembly police and crime panel**

- (1) The London Assembly must arrange for the functions referred to in subsection (2) to be discharged on its behalf by a particular committee of the Assembly (the “police and crime panel”).
- (2) Those functions (“the police and crime panel functions”) are—
- the functions conferred on the Assembly by section 33;
  - the functions conferred on the Assembly by section 60A of, and Schedule 4A to, the 1999 Act in relation to the appointment of the Deputy Mayor for Policing and Crime by the Mayor's Office for Policing and Crime.
- (3) The London Assembly may not arrange for the police and crime panel functions to be discharged on its behalf otherwise than in accordance with subsection (1).
- (4) The London Assembly may not arrange for any of its other functions to be discharged by the police and crime panel.
- (5) The special scrutiny functions may only be exercised at a meeting of the whole panel; but that is without prejudice to rules of procedure about the quorum of a meeting of the whole panel.
- (6) The enactments applying to committees of the London Assembly, apart from the excluded provisions, apply to the police and crime panel as if the police and crime panel functions were to be discharged by the panel by virtue of arrangements under section 54(1)(a) of the 1999 Act.
- (7) In subsection (6), “excluded provisions” means the following provisions of the 1999 Act—
- section 54(5), so far as it provides for the London Assembly to retain power to exercise functions delegated to a committee;
  - section 55 (Assembly committees and sub-committees).

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- (8) The enactments conferring, or relating to, the police and crime panel functions are to be read with the appropriate modifications; in particular—
- (a) references to the London Assembly are to be read as references to the police and crime panel; and
  - (b) references to proceedings of the London Assembly are to be read as references to proceedings of the police and crime panel.
- (9) For the purposes of subsection (8), references to the police and crime panel include references to a sub-committee or member (if any) by whom functions are to be discharged in accordance with section 54(3) of the 1999 Act.
- (10) The following provisions apply to the police and crime panel—
- (a) the number of members of the panel, and their term of office, are to be fixed by the London Assembly;
  - (b) persons who are not members of the London Assembly may be members of the panel.
- (11) The following provisions apply to any sub-committee by which police and crime panel functions are to be discharged—
- (a) the number of members of the sub-committee, and their term of office, are to be fixed by the police and crime panel;
  - (b) persons who are not members of the London Assembly may be members of the sub-committee.
- (12) The police and crime panel functions must be exercised with a view to supporting the effective exercise of the functions of the Mayor's Office for Policing and Crime.
- (13) In this section—
- “1999 Act” means the Greater London Authority Act 1999;
  - “special scrutiny functions” means the functions conferred—
- (a) by section 33(1), or
  - (b) by section 60A of, and Schedule 4A to, the 1999 Act in relation to the appointment of the Deputy Mayor for Policing and Crime by the Mayor's Office for Policing and Crime.

#### **Commencement Information**

**I6** S. 32 in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

### **33 Functions to be discharged by police and crime panel**

- (1) The London Assembly must—
- (a) review the draft police and crime plan, or draft variation, given to the Assembly by the Mayor's Office for Policing and Crime in accordance with section 6(6)(c), and
  - (b) make a report or recommendations on the draft plan or variation to the Mayor's Office for Policing and Crime.
- (2) The London Assembly must keep under review the exercise of the functions of the Mayor's Office for Policing and Crime, insofar as the Assembly is not otherwise

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- required to do so by the other provisions of this section or by Schedule 4A to the 1999 Act.
- (3) For the purposes of subsection (2), the powers of the London Assembly include, in particular, power to investigate, and prepare reports about—
- (a) any actions and decisions of the Mayor's Office for Policing and Crime;
  - (b) any actions and decisions of the Deputy Mayor for Policing and Crime;
  - (c) any actions and decisions of a member of staff of the Mayor's Office for Policing and Crime;
  - (d) matters relating to the functions of the Mayor's Office for Policing and Crime;
  - (e) matters in relation to which the functions of the Mayor's Office for Policing and Crime are exercisable; or
  - (f) any other matters which the Assembly considers to be of importance to policing and crime reduction in the metropolitan police district.
- (4) The London Assembly may submit proposals to the Mayor's Office for Policing and Crime.
- (5) The London Assembly may require a person referred to in subsection (6)—
- (a) to attend proceedings of the Assembly for the purpose of giving evidence, or
  - (b) to produce to the Assembly documents in the person's possession or under the person's control.
- (6) Those persons are—
- (a) the Deputy Mayor for Policing and Crime;
  - (b) any member of the staff of the Mayor's Office for Policing and Crime;
  - (c) the person who is the occupant of the Mayor's Office for Policing and Crime;
  - (d) any person who has within the 8 years prior to the date of the requirement to be imposed under subsection (5) been the Deputy Mayor for Policing and Crime or the occupant of the Mayor's Office for Policing and Crime.
- (7) Nothing in subsection (5) requires a member of the staff of the Mayor's Office for Policing and Crime to give any evidence, or produce any document, which discloses advice given to the Mayor's Office for Policing and Crime by that person.
- (8) If the London Assembly requires the Deputy Mayor for Policing and Crime, or the person who is the occupant of the Mayor's Office for Policing and Crime, to attend proceedings, the Assembly may (at reasonable notice) request the Commissioner of Police of the Metropolis to attend proceedings on the same occasion for the purpose of giving evidence.
- (9) The following provisions of the 1999 Act apply (with appropriate modifications) to a requirement under subsection (5) as they apply to a requirement under section 61(1) of the 1999 Act—
- (a) section 61(14) (meaning of document etc);
  - (b) section 62(3) to (6) (procedure for requiring attendance);
  - (c) section 63 (restriction of information);
  - (d) section 64 (failure to attend proceedings);
  - (e) section 65 (openness).
- (10) In this section “1999 Act” means the Greater London Authority Act 1999.

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**Commencement Information**

- I7** S. 33 in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1 (with art. 7(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(2))



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