

2012 No. 2734

POLICE, ENGLAND AND WALES

**The Police and Crime Panels (Application of Local Authority
Enactments) Regulations 2012**

<i>Made</i> - - - -	<i>30th October 2012</i>
<i>Laid before Parliament</i>	<i>1st November 2012</i>
<i>Coming into force</i> - -	<i>22nd November 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 36(1) of Schedule 6 to the Police Reform and Social Responsibility Act 2011(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 and come into force on 22nd November 2012.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“English Part 3 panel” means a police and crime panel for a police area in England established and maintained in accordance with Part 3 of Schedule 6;

“councillor”, in relation to a relevant local authority, means a person who—

- (a) is a member of the authority; or
- (b) is the elected mayor of the mayor and cabinet executive (within the meaning of Part 2 of the Local Government Act 2000(b)) of the authority;

“councillor panel member” means a councillor who—

- (a) is appointed as a member of a police and crime panel under paragraph 9, 10, 16 or 18 of Schedule 6; or
- (b) is co-opted by the panel under paragraph 4(1)(b) or 13(1)(b) of that Schedule;

“host authority”, in relation to a police and crime panel, means the relevant local authority which is being provided by the Secretary of State under paragraph 11(2)(b) or 20(1)(c) of Schedule 6 with financial resources in connection with the exercise of functions by or in relation to the panel and its members;

“independent panel member” means a person who is co-opted by a police and crime panel under paragraph 4(1)(b) or 13(1)(b) of Schedule 6 and is not a councillor;

(a) 2011 c. 13.
(b) 2000 c. 22.

“local authority” means—

- (a) in relation to England, a county or district council;
- (b) in relation to Wales, a county council or a county borough council;

“multi-authority police area” means a police area which covers two or more local authorities;

“Part 2 panel” means a police and crime panel established and maintained in accordance with Part 2 of Schedule 6;

“relevant local authority”, in relation to a police and crime panel, means a local authority which the police area of the panel covers;

“Schedule 6” means Schedule 6 to the Police Reform and Social Responsibility Act 2011;

“single-authority police area” means a police area which covers only one local authority;

“Welsh Part 3 panel” means a police and crime panel for a police area in Wales established and maintained in accordance with Part 3 of Schedule 6.

Application and modification of local authority enactments

3. To the extent that they do not already apply, the enactments listed in Part 1 of the Schedule apply in relation to a Part 2 panel and the members of such a panel.

4. The enactments listed in Part 2 of the Schedule apply in relation to an English Part 3 panel and the members of such a panel.

5. The enactments listed in Part 3 of the Schedule apply in relation to a Welsh Part 3 panel and the members of such a panel.

6. In their application by virtue of regulations 3 to 5, the enactments listed in Parts 1 to 3 of the Schedule have effect as if —

- (a) the functions of the panel were functions of the relevant local authority (in a single-authority police area) or the relevant local authorities (in a multi-authority police area);
- (b) the panel were a committee of the relevant local authority (in a single-authority police area) or a joint committee of the relevant local authorities (in a multi-authority police area), appointed for the purpose of discharging those functions under section 102(1) of the Local Government Act 1972(a);
- (c) a councillor panel member were serving on such a committee (in a single authority police area) or joint committee (in a multi-authority police area) in the member’s capacity as a councillor; and
- (d) an independent panel member were a member of such a committee (in a single-authority police area) or a member of, and representing the host authority on, such a joint committee (in a multi-authority police area), and entitled to vote on any question that falls to be decided at a meeting of the committee or joint-committee.

7. In its application by virtue of regulations 3 to 5 and paragraph 2, 11 or 26 of the Schedule, section 101(2) of the Local Government Act 1972(b) shall have effect as if it read—

“(2) Subject to paragraph 27(1) of Schedule 6 to the Police Reform and Social Responsibility Act 2011 (exercise of special functions), a police and crime panel may arrange for the discharge of any of its functions by a sub-committee of the panel or by an officer of any local authority in the police area, and where functions of the panel are discharged by a sub-committee, then, unless the panel directs otherwise, the sub-committee may arrange for the discharge of any of those functions by an officer of any of the local authorities in the police area.”.

(a) 1972 c. 70.

(b) Section 101(2) applies to local authorities by virtue of section 270(1); it applies to committees and joint committees discharging functions of those authorities by virtue of section 101(1) or (5).

SCHEDULE

PART 1

Regulation 3

Enactments Applying to Part 2 Panels

1. Part VA of, and Schedule 12A to, the Local Government Act 1972(**a**) (access to meetings and documents of certain authorities, committees and sub-committees).
2. Section 101(2) of the Local Government Act 1972 (arrangements for discharge of functions by local authorities).
3. Section 39 of the Local Government (Miscellaneous Provisions) Act 1976(**b**) (protection of members and officers of local authorities from personal liability).
4. Section 101 of the Local Government Act 2000(**c**) (indemnification of members and officers of relevant authorities) and the Local Authorities (Indemnities for Members and Officers) Order 2004(**d**).
5. The Freedom of Information Act 2000(**e**).
6. Part 11 of the Equalities Act 2010(**f**) (advancement of equality).
7. Section 25 of the Localism Act 2011(**g**) (prior indications of view of matter not to amount to predetermination).
8. Chapter 7 of Part 1 of the Localism Act 2011(**h**) (standards) and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012(**i**).

PART 2

Regulation 4

Enactments applying to English Part 3 Panels

9. Section 99 of, and paragraphs 40 to 44 of Schedule 12 to, the Local Government Act 1972(**j**) (meetings and proceedings of local authorities).

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- (a) Part VA and Schedule 12A were inserted by section 1(1) of the Local Government (Access to Information) Act 1985. They apply to a local authority, a committee established under section 102 of the Local Government Act 1972 and a joint committee which is appointed or established under any other enactment and is not a body corporate by virtue of sections 100E and 270(1).
- (b) 1976 c. 57. Section 39 applies to a local authority by virtue of section 44(1).
- (c) 2000 c. 22. Section 101 applies to a local authority by virtue of section 101(5) and section 49(6).
- (d) S.I. 2004/3082.
- (e) 2000 c. 36. The Act applies to a local authority or joint committee constituted in accordance with section 102(1)(b) of the Local Government Act 1972 in England by virtue of section 3(1)(a)(i) and paragraphs 7(a) and 25 of Schedule 1.
- (f) 2010 c. 15. Part 11 applies to a local authority or joint committee constituted in accordance with section 102(1)(b) of the Local Government Act 1972 in England by virtue of section 150 and Part 1 of Schedule 19.
- (g) 2011 c. Section 25 applies to members and co-opted members of local authorities by virtue of subsections (3) and (4).
- (h) Chapter 7 of Part 1 applies to a local authority in England by virtue of section 27(6).
- (i) S.I. 2012/1464.
- (j) Section 99 and Schedule 12 apply to local authorities and their committees by virtue of section 270(1).

10. Part VA of, and Schedule 12A to, the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).

11. Section 101(2) of the Local Government Act 1972 (arrangements for discharge of functions by local authorities).

12. Section 103 of the Local Government Act 1972(a) (expenses of joint committees).

13. Section 104 of the Local Government Act 1972(b) (disqualification for membership of committees and joint committees).

14. Sections 224, 225 and 228 to 234 of the Local Government Act 1972(c) (documents and notices).

15. Part III of, and Schedule 5 to, the Local Government Act 1974(d) (local government administration).

16. Section 39 of the Local Government (Miscellaneous Provisions) Act 1976 (protection of members and officers of local authorities from personal liability).

17. Section 41 of the Local Government (Miscellaneous Provisions) Act 1976(e) (evidence of resolutions and minutes of proceedings).

18. Part II of the Local Government Act 1986(f) (local authority publicity) and the Local Authorities (Publicity Account) (Exemption) Order 1987(g).

19. Section 101 of the Local Government Act 2000 (indemnification of members and officers of relevant authorities) and the Local Authorities (Indemnities for Members and Officers) Order 2004.

20. The Freedom of Information Act 2000.

21. Part 11 of the Equalities Act 2010 (advancement of equality).

22. Section 25 of the Localism Act 2011 (prior indications of view of matter not to amount to predetermination).

23. Chapter 7 of Part 1 of the Localism Act 2011 (standards) and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

PART 3

Regulation 5

Enactments applying to Welsh Part 3 Panels

24. Section 99 of, and paragraphs 40 to 44 of Schedule 12 to, the Local Government Act 1972 (meetings and proceedings of local authorities).

25. Part VA of, and Schedule 12A to, the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).

26. Section 101(2) of the Local Government Act 1972 (arrangements for discharge of functions by local authorities).

27. Section 103 of the Local Government Act 1972 (expenses of joint committees).

(a) Section 103 applies to joint committees of local authorities by virtue of section 270(1).

(b) Section 104 applies to committees and joint committees of local authorities by virtue of section 270(1).

(c) Sections 224, 225 and 228 to 234 apply to local authorities and their committees by virtue of section 270(1).

(d) 1974 c. 7. Part III and Schedule 5 apply to a local authority in England, a committee of such an authority and a joint committee on which such an authority is represented by virtue of sections 25(1)(a) and (4)(b) and 34(1).

(e) Section 41 applies to a local authority by virtue of section 44(1).

(f) 1986 c. 10. Part II applies to a local authority in England by virtue of section 6(2)(a).

(g) S.I. 1987/2004.

28. Section 104 of the Local Government Act 1972 (disqualification for membership of committees and joint committees).

29. Sections 224, 225 and 228 to 234 of the Local Government Act 1972 (documents and notices).

30. Section 39 of the Local Government (Miscellaneous Provisions) Act 1976 (protection of members and officers of local authorities from personal liability).

31. Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (evidence of resolutions and minutes of proceedings).

32. Part II of the Local Government Act 1986 (local authority publicity) and the Local Authorities (Publicity Account) (Exemption) Order 1987.

33. Part III of the Local Government Act 2000(**a**) (conduct of local government members and employees), the Conduct of Members (Principles) (Wales) Order 2001(**b**), the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001(**c**), the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001(**d**), the Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001(**e**), the Public Services Ombudsman for Wales (Standards Investigations) Order 2006(**f**) and the Local Authorities (Model Code of Conduct) (Wales) Order 2008(**g**).

34. Section 101 of the Local Government Act 2000 (indemnification of members and officers of relevant authorities) and the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006(**h**).

35. The Freedom of Information Act 2000.

36. Part 2 of, and Schedule 2 to, the Public Services Ombudsman (Wales) Act 2005(**i**) (investigation of complaints).

37. Part 11 of the Equalities Act 2010 (advancement of equality).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 28 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) provides for each police area in England and Wales outside London to have a police and crime panel with the function of scrutinising the decisions and actions of the police and crime commissioner established under section 1.

Schedule 6 to the 2011 Act makes provision in relation to the formation and maintenance of these police and crime panels. Part 2 applies to a police and crime panel for a police area in England (referred to in these Regulations as a “Part 2 panel”). Part 3 applies to a police and crime panel for a police area in Wales, and also a panel formed by order of the Secretary of State for a police area in England where the local authorities in the police area have failed to comply with certain provisions of Part 2 (referred to in these Regulations as a “Welsh Part 3 panel” and an “English Part 3 panel”, respectively).

A Part 2 panel is a committee of the local authority, or a joint committee of the local authorities, in the police area (see paragraph 4(5) of Schedule 6 to the 2011 Act). Accordingly, large parts of the

(a) Part III applies to a local authority in Wales by virtue of section 49(6).

(b) S.I. 2001/2276.

(c) S.I. 2001/2279.

(d) S.I. 2001/2281.

(e) S.I. 2001/2288.

(f) S.I. 2006/949.

(g) S.I. 2008/788.

(h) S.I. 2006/249.

(i) 2005 c. 10. Part 2 and Schedule 2 apply to a local authority in Wales by virtue of sections 28(1) and 41(1) and Schedule 3.

legislation applicable to local authority committees in England automatically applies to Part 2 panels. However, there are instances where, due to the precise wording of the legislation, it does not apply to Part 2 panels, or does not apply in all circumstances, or does not apply in relation to all members of the panels.

A Part 3 panel is not a local authority committee (see paragraph 13(5) of Schedule 6 to the 2011 Act). It is a body established and maintained by the Secretary of State (see paragraph 12(2) of that Schedule). Legislation applying to local authority committees will not automatically apply to Part 3 panels.

These Regulations apply legislation applicable to local authority committees to Part 2 panels (to the extent that it does not already apply) and to Part 3 panels. The provisions are modified, in their application to police and crime panels, to address differences between the provisions and those of the 2011 Act, and to reflect the fact that, in each police area, one local authority will provide support to the police and crime panel using funds provided by the Secretary of State (referred to in these Regulations as the “host authority”).

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STATUTORY INSTRUMENTS

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