EXPLANATORY MEMORANDUM TO

THE LOCAL POLICING BODIES (CONSEQUENTIAL AMENDMENTS) REGULATIONS 2011

2011 No. [XXXX]

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument makes amendments to several other instruments in consequence of changes made by the Police Reform and Social Responsibility Act 2011 to policing governance arrangements in England and Wales.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Act makes significant changes to the governance arrangements for policing in England and Wales, with the exception of the City of London police area. The Act abolishes the police authorities responsible for maintaining police forces outside London and replaces them with directly elected Police and Crime Commissioners ("PCCs"). The Act also abolishes the Metropolitan Police Authority and replaces it with the Mayor's Office for Policing and Crime ("MOPC") – an office held by the Mayor of London.

4.2 The Act further establishes Chief Officers of Police (Chief Constables of police forces outside London, and the Commissioner of Police of the Metropolis) as corporations sole with the capacity to employ staff in their official capacity. At present all police staff are employed by the police authority.

4.3 In the City of London the Common Council retains its role as the police authority, and the status of the Commissioner of the City of London Police remains unchanged. The Act refers to PCCs, the MOPC and the Common Council collectively as "local policing bodies".

4.4 This instrument amends the Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001, the Docking of Working Dogs' Tails (England) Regulations 2007 and the Local Authorities (Alcohol Disorder Zones) Regulations 2008 in order to reflect the replacement of police authorities with local policing bodies, and the new arrangements for the employment of police staff.

4.5 Sections 15 to 20 of the Violent Crime Reduction Act 2006, under which the Local Authorities (Alcohol Disorder Zones) Regulations 2008 were made, are

repealed by section 140 of the Police Reform Act 2011. However, it is not intended to bring section 140 into force until after the commencement date for this instrument.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

The Secretary of State has made the following statement regarding Human Rights:

In my view the provisions of the Local Policing Bodies (Consequential Amendments) Regulations 2011 are compatible with the Convention rights.

7. Policy background

- ***What is being done and why***

7.1 It is not intended to change the substantive effect of the various instruments being amended, except for the purposes of reflecting the changes made by the Police Reform and Social Responsibility Act 2011.

7.2 The amendments to the Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001 have the effect that members of police staff continue to be prescribed as persons permitted to take samples from suspects in police detention for the purposes of drug testing. The amendments to the Docking of Working Dogs' Tails (England) Regulations 2007 have the effect that members of police staff can continue to present police dogs for certification as working dogs for the purposes of the working dogs' exemption to the prohibition on the docking of dogs' tails. The amendments to the Local Authorities (Alcohol Disorder Zones) Regulations 2008 have the effect that costs in relation to members of police staff designated as community support officers can continue to be included in charges levied in relation to Alcohol Disorder Zones, and costs incurred in relation to these staff and police officers, which are currently payable to the police authority, will be payable to the local policing body.

- ***Consolidation***

7.3 As very limited amendments are being made to the existing instruments, the Government does not intend to consolidate the legislation.

8. Consultation outcome

8.1 Section 6(15) of the Animal Welfare Act 2006 requires the Secretary of State to consulted those persons appearing to her to represent interests with which these Regulations are concerned as she considers appropriate. As the amendments made to the Docking of Working Dogs' Tails (England) Regulations 2007, to which that requirement relates, concern only police dogs, and the only amendments are for the purpose of replacing references to police authorities, the Secretary of State considered it appropriate to consult only the Association of Police Authorities and the

Association of Chief Police Officers. The comments of these bodies have been taken into account.

9. Guidance

9.1 Bearing in mind the limited extent of the amendments made to existing instruments, there is no intention to issue guidance.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Bearing in mind the limited extent of the amendments made to the existing instruments, there is no intention to review the impact of this instrument.

13. Contact

Oscar Ramudo at the Home Office Tel: 020 7035 4870 or email: Oscar.Ramudo2@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.