EXPLANATORY MEMORANDUM TO

THE POLICE ACT 1996 (EQUIPMENT) (AMENDMENT) REGULATIONS 2014

2014 No. 395

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 Police Act 1996 (Equipment) Regulations 2011 (S.I 2011/300) require the police to buy certain equipment through specified contractual arrangements. These amending Regulations disapply the 2011 Regulations when a specified contractual arrangement expires or has terminated.

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

3.1 None

4. Legislative Context

4.1 The 2011 Regulations specified particular national arrangements to be used by the police for the provision of the specified equipment. Equipment specified in the Regulations can be used by the police only if acquired in accordance with the relevant national framework arrangement specified in the Schedule to the Regulations.

4.2 These amending Regulations make provision for the expiry or termination of the arrangements listed in the Schedule to the 2011 Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Police Act 1996 (as amended by the Police Reform and Social Responsibility Act 2011) defines the current police areas and sets out the relationship between the Home Secretary and local policing bodies and police forces. Section 53 of the Act, under which these Regulations are made, enables the Home Secretary to make regulations as to the standard of police equipment.

7.2 The Government has no choice but to deal with the deficit and the police must contribute by making savings, including from their expenditure on equipment. There is a clear public interest in the police making good use of the resources available to them, but recent reports from the National Audit Office, the Public Accounts Committee and the Home Affairs Select Committee have drawn attention to the fragmented nature of police procurement.

7.3 The 2011 Regulations contribute to reducing that fragmentation by requiring the police to make use of specified contractual arrangements, or frameworks, to buy certain equipment. This leads to improved value for money both through the aggregation of purchasing – buying larger volumes and so obtaining a better price; and through savings on procurement processes – carrying out fewer procurements.

7.4 A framework is an arrangement with one or more providers that sets out the terms and conditions under which contracts for the purchase of specific goods or services can be placed with the provider(s) during the term of the arrangement. With framework arrangements, the order for the goods or services can be placed either directly with a supplier or after holding a 'mini-competition' between suppliers (where more than one supplier is party to the framework arrangement).

7.5 Frameworks are made for a fixed period of time, though they may include provisions for extension or early termination. Frameworks expire at the end of the fixed time period or sooner, for other reasons. When the 2011 Regulations were made, it was expected that alternative frameworks would be available to replace those specified in the Schedule on their expiry. The Regulations, accordingly, do not make provision for the expiry or termination of the specified frameworks. It is necessary to make such provision now because the Sprint ii framework specified in the Schedule to the 2011 Regulations for the provision of commodity IT hardware and Commercial Off the Shelf Software for the police will expire on 15 March 2014.

7.6 The Crown Commercial Service is developing replacement arrangements for Sprint ii and other IT frameworks but these will not be available until later in 2014. The Government will consider whether the police should be required to use any such future arrangements and consult on any proposal to make Regulations to that effect.

Consolidation

7.7 These are the first amendments to the 2011 Regulations. There have not been multiple, detailed amendments to the 2011 Regulations, nor are the 2011 Regulations a long and complex instrument and so there are no plans to consolidate amendments.

8. Consultation outcome

8.1 A short consultation has been carried out between 7 and 14 February with the consultees specified in the Police Act: such persons as appear to the Secretary of State to

represent the views of police and crime commissioners, the Mayor's Office for Policing and Crime, the Common Council of the City of London and the Association of Chief Police Officers. Consultation included all PCCs and Chief Constables in England and Wales. Wider consultation was unnecessary as the effect of the amending Regulations is confined to the police in England and Wales. A very short consultation was appropriate because of the nature of the amendment; removing a requirement with which the police would be unable to comply in the case of the Sprint ii framework.

8.2 None of the 7 PCCs and 7 chief constables who replied to the consultation objected to the proposed amending regulations. Some respondents made points about wider issues including the alternative arrangements available to forces for commodity IT procurement following the expiry of Sprint ii and the importance of the Crown Commercial Service making timely arrangements to replace expiring frameworks.

9. Guidance

9.1 No specific guidance on the amending Regulations will be provided to Local Policing Bodies or to police forces. Guidance has been provided to Local Policing Bodies and to forces on interim arrangements for the provision of commodity IT to make best use of the Sprint ii framework while it remains available and after its expiry.

10. Impact

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

10.2 The impact on the public sector is to relieve the police of obligations with which they would not be able to comply after the expiry of frameworks specified in the schedule to the 2011 Regulations.

10.3 An Impact Assessment has not been prepared for this instrument as it imposes no costs on the private or public sectors.

11. Regulating small business

11.1 The legislation does not apply to small business.

11.2 The legislation does not apply to firms employing up to 20 people.

11.3 No action is necessary to assist small businesses.

12. Monitoring & review

12.1 As the instrument makes only a straightforward change to prevent an obligation arising with which the police would be unable to comply, no monitoring or review is thought to be necessary. However, the impact of the original 2011 Regulations will be reviewed during 2014 as set out in the Explanatory Memorandum to those Regulations.

13. Contact

Michael Grimwood at the Home Office Tel: 020 7035 3085 or email: MichaelP.Grimwood@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.