EXPLANATORY MEMORANDUM TO

THE POLICE AUTHORITY (AMENDMENT) REGULATIONS 2010

2010 No. 2412

1. 1.1 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 Authority (Amendment) Regulations 2010 make a minor amendment to the Police Authority Regulations 2008, allowing police authorities to reconsider previously recorded applications for police authority member positions, where a vacancy on the authority arises within four years of the police authority advertising vacancies. Regulation 41(5) of the Police Authority Regulations 2008 previously provided that police authorities could only use previously recorded applications for police authority member positions where a vacancy arose within two years of advertising for vacancies.

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

3.1 None.

4. Legislative Context

4.1 Schedule 2 to the Police Act 1996, as amended by the Police and Justice Act 2006, provides that the Secretary of State will make regulations governing police authority membership. This is the third time regulations have been made under this Schedule, the first being the Police Authority Regulations 2008 and the second being the Police Authority (Community Engagement and Membership) Regulations 2010.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 In June 2010, the Government announced its intention to replace police authorities with directly elected Police and Crime Commissioners in England and Wales by 2012. As part of policy development, arrangements are required to ensure that police authorities will continue to operate effectively during the period that leads up to this expected change. It has been acknowledged that present regulatory requirements on police authorities to appoint new members, and in particular to re-advertise even if they have conducted a recruitment campaign in the previous two

years, would impose a disproportionate cost given that any new members may only serve up until 2012.

7.2 In order to reduce costs without an adverse impact on the effectiveness and legitimacy of police authorities, the decision has been made to extend the two year limit on revisiting old applications to four years. This means that police authorities will be able to save time and resources that would otherwise have been dedicated to an expensive advertisement process.

7.3 As these Regulations make only a minor amendment to the Police Authority Regulations 2008, the Home Office does not consider it appropriate to make a consolidated version of those Regulations.

8. Consultation outcome

8.1 The Home Office consulted with both the Association of Police Authorities and the Local Government Association on these Regulations.

8.2 Both organisations supported the proposal to extend the time limit from two years to four, and also made two further suggestions. The first was that the Home Office change the requirement for them to advertise vacant posts in at least two newspapers, but it was decided this could adversely affect the transparency and fairness of posts where they were advertised. The second was to permit police authorities to run with vacant posts. This was deemed overly complex – requiring regulating the minimum number of permissible vacancies, as well as how long they could be left vacant and potentially risked police authorities' ability to operate. The Regulations instead address the issue in a comparatively straightforward manner.

9. Guidance

9.1 Updated guidance on revisiting police authority member applications will be issued by the Association of Police Authorities.

10. Impact

10.1 These regulations do not apply to businesses, charities or voluntary bodies.

10.2 The impact on the public sector will be a reduction in time and resources dedicated by police authorities to filling police authority member vacancies between the commencement of these Regulations, in the period leading up to the expected introduction of directly elected Police and Crime Commissioners.

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

11. Regulating Small Business

11.1 The provisions of this instrument do not impact on small businesses.

12. Monitoring and Review

12.1 It is anticipated that the provision under which this instrument is made will be repealed by the Police Reform and Social Responsibility Bill, and the consequential introduction of Police and Crime Commissioners in 2012, which will replace police authorities as the body of policing governance in England and Wales.

13. Contact

13.1 Benedict Collins at the Home Office (tele: 020 7035 1896 or email: benedict.collins11@homeoffice.gsi.gov.uk) can answer any queries regarding this instrument.