EXPLANATORY MEMORANDUM TO

THE POLICE AUTHORITY AND METROPOLITAN POLICE AUTHORITY (AMENDMENT) REGULATIONS 2010

2010 No. 1070

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 and Metropolitan Police Authority (Amendment) Regulations 2010 contain provisions on the appointment of members of police authorities in England and Wales that amend the existing provisions in the Police Authority Regulations 2008 (S.I. 2008/630) and the Metropolitan Police Authority Regulations 2008 (S.I. 2008/631) to allow selection panels to continue to carry out their functions in certain situations where one member is absent.

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

3.1. None.

4. Legislative Context

4.1. Schedules 2 and 2A to the Police Act 1996, as amended by the Police and Justice Act 2006, provide that the Secretary of State will make regulations governing police authority membership. The Police Authority Regulations 2008 and Metropolitan Police Authority Police Regulations 2008, made under these powers, include provision for selection panels to have the function of short-listing candidates for appointment as independent members of a police authority. Both of these instruments were amended by the Police Authority (Community Engagement and Membership) Regulations 2010 (S.I. 2010/421) which, among other things, provided for the membership of such panels to be reduced to three (in the case of non-metropolitan police authorities) and four (in the case of the Metropolitan Police Authority). However, the 2010 Regulations omitted to make consequential changes to provisions which permit those panels to act with fewer than their full complement of members in certain cases.

5. Territorial Extent and Application

5.1. This instrument extends 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

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

7.1 The Government's Policing White Paper, published 2nd December 2009, contained a commitment to increase the diversity, competence, capability and accountability of police authorities. The Police Authority (Community Engagement and Membership) Regulations 2010 introduced those proposed new requirements, and amended the Police Authority Regulations 2008 and the Metropolitan Police Authority Regulations 2008 in relation to member appointments.

7.2 These regulations make minor consequential amendments following those changes to allow panels, in certain circumstances, to continue to carry out their functions where a member is absent. This allows selection processes to continue when, for example, a selection panel member is ill.

- ***Consolidation***

7.3 As the changes made by this instrument are minor, no consolidation is planned.

8. Consultation Outcome

8.1 As required by the Police Act 1996 consultation has taken place with the Association of Police Authorities, the Local Government Association, the Metropolitan Police Authority and the Greater London Authority.

8.2 As these amendments are minor and consequential to the Police Authority (Community Engagement and Membership) Regulations 2010, a short consultation of one week was carried out. Nil responses were received from all consultees.

9. Guidance

9.1 Guidance for assessors on the authority selection panels, and for the purposes of police authority public consultation, will be updated by the Association of Police Authorities.

10. Impact

10.1. A White Paper Impact Assessment has been carried out and it was concluded that the impact on public bodies would be less than £50,000 per annum.

10.2. An Equality Impact Assessment has not been carried out as it was concluded that these changes will have no effect on equality or diversity.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 We will continue to work closely with the APA and individual police authorities as these regulations are implemented, including in the writing of guidance.

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.