

**EXPLANATORY MEMORANDUM TO**  
**THE POLICE AUTHORITY (COMMUNITY ENGAGEMENT AND**  
**MEMBERSHIP) REGULATIONS 2010**

**2010 No. 421**

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 (Community Engagement and Membership) Regulations 2010 contain provisions on the appointment of members of police authorities in England and Wales that complement the existing provisions in the Police Authority Regulations 2008 and Metropolitan Police Authority Regulations 2008. They will amend existing regulations to ensure high standards, diversity awareness, and dedication when appointing police authority members, as well as to allow for the removal of both members and chairs (if deemed appropriate by the relevant police authority).

2.2. The regulations also contain provisions for community engagement. Police Authorities will be obliged to consult more widely than before (obtaining the views of vulnerable and hard-to-reach groups), and consider those views when devising policing strategy.

2.3. Finally, the regulations amend both the Police Authority Regulations 2008 and the Metropolitan Police Authority Regulations 2008 with regard to appointment processes for members.

**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.

4.2. Section 1 of the Policing & Crime Act 2009 amended section 6(2) of the Police Act 1996, so that now police authorities will have to show that they have considered the views of the public when discharging their functions (formerly, the police authority would have to obtain those views but not necessarily show that they had considered them). These regulations complement this legislation.

**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. The Government's Policing White Paper, published 2nd December 2009, contained a commitment to increase the diversity, competence, capability and accountability of police authorities. These regulations will introduce new requirements relating to community engagement, and amend the Police Authority Regulations 2008 and the Metropolitan Police Authority Regulations 2008 in relation to member appointments.
- 7.2. In relation to community engagement, police authorities will be required to ensure that they consult with as wide a range of people in their local community as possible – including vulnerable and hard-to-reach groups. Specifically, this will mean people over 65 and under 21, the business and voluntary sectors, and those from diverse backgrounds and sectors of society. There will be a requirement to ensure that views gathered are up to date and samples are large enough to be confident that they are representative. The police authority will need to facilitate a range of different routes through which the public can communicate their views, and take steps to avoid unnecessary duplication of activity with other government departments, agencies and authorities. The intention is to ensure that policing strategy is devised with the entire community's interests in mind, including those who might not otherwise be included in the process.
- 7.3. In discharging these responsibilities, the police authority will need to ensure that they consider these views adequately when discharging their functions; as well as obtaining views on whether the police are tackling crime and anti-social behaviour that the local community consider to be a priority; whether the police are offering a good service; and whether Police Community Support Officers have the correct powers to address local issues. These measures will allow police authorities to obtain an indicator as to how it is performing against the confidence target (introduced in the Policing Green Paper, back in 2008), and measure the public's opinion on how it is performing in key areas relevant to community policing – such as satisfaction levels with the level of police service in general, and the powers of Police Community Support Officers.
- 7.4. These Regulations will further refine the appointments procedure for members. Elected mayors will be permitted to sit on a police authority as an elected member, provided they and the council agree to the appointment. Remaining elected seats will, as before, be allocated to reflect political balance, as far as is practicable. This change is intended to reflect the political mandate of elected mayors to be involved in local governance matters such as policing, should they choose to do so and if backed by their council.
- 7.5. However, political balance will no longer be the only criterion for selecting elected members. As far as is reasonable practicable (taking into account those

people eligible, and political balance), members must represent the interests of a wide range of people within the police authority area; fill skills, knowledge and diversity gaps on the authority; promote diversity within the force and authority; and be deemed likely to contribute proactively to the authority's work. The intention is to drive up the capability of police authorities by creating a membership that is diverse in terms of both representation of the community, and in skills and knowledge.

- 7.6. In relation to the appointment of chairs, anyone wishing to be considered for the post must provide a written statement to the authority detailing why he wishes to be considered. This must be provided ten days prior to the annual meeting (or other meeting if the chair is being appointed in the interim), and the police authority must distribute this to its members at least five days before the meeting. This will assist members in their selection of the chair and ensure greater transparency in the selection process.
- 7.7. There will, for the first time, be a formal power to remove members from a police authority who are not deemed to have contributed adequately, or met any requirements of the post set out when that member was appointed. This, coupled with the amendments to membership appointments, is intended to ensure that all members contribute adequately to the police authority's work.
- 7.8. Supplementing this power is an additional power to remove the police authority chair. This may be done through a resolution of the police authority in question. Whilst many police authorities may have their own processes for removing a chair, these regulations will ensure that all police authorities have a mechanism by which a chair may be removed, if deemed appropriate by its members. This will facilitate greater accountability for the management of the police authority – a chair not deemed to be doing an adequate job can be removed.
- 7.9. Previously, the appointments panel for independent members had five members. The fifth member oversaw the process to ensure it is open, honest, transparent and fair, and was appointed from a Home Office list of candidates who have demonstrated skills and experience in those areas. In further refining and simplifying recruitment processes, the independent recruitment panel will now consist of three members – two selected from the police authority, and one selected from a short-list prepared by the Home Secretary. This member of the panel will be the chair.

## **8. Consultation Outcome**

- 8.1. As required by the Police Act 1996 consultation has taken place with the Association of Chief Police Officers, the Association of Police Authorities, Her Majesty's Inspectorate of Constabulary, The Local Government Association, the Welsh Local Government Association, the Independent Police Complaints Commission, the Greater London Authority, the Metropolitan Police Authority, the British Association of Women in Policing, the Black and Asian Police Association, and the Gay Police Association.

8.2. The formal consultation lasted for five weeks, and generally the responses were in favour of the instruments, although the Home Secretary was asked to consider some suggested redrafting of the regulations. These included ensuring consistency of language and rewording of some parts of the regulations to improve clarity – which were acted on. The Home Secretary was also asked to clarify how placing new requirements on the appointment of councillors will operate in areas with a large number of councils from which to appoint. We have explained that it is for police authorities to use their discretion to find the best solutions for their local area – whilst still ensuring they get the best membership possible. Some have raised concerns that the provisions will place a new burden on police authorities. We consider that, as the new requirements simply clarify the existing remit of police authorities regarding community engagement and appointments, no new burdens will arise.

## 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 been carried out via consultation with diversity groups in policing. The regulations have been broadly welcomed as enhancing diversity in policing and enable wider representation within local communities. We received only one comment, from one police force, expressing concern that the requirement that a member should "represent the interests of a wide range of people within the community" might actually reduce the likelihood of a person from a minority group being selected, which they suggested would be counter-productive. We disagree with this analysis; no concerns were expressed in this regard by any minority groups, and this view presupposes that a police authority member cannot represent the interests of a community other than his own. Overall it is our assessment that these regulations are unlikely to have any negative impact on equality. Rather, we envisage that they will enhance equality, diversity and accountability in police forces and authorities.

## 11. **Regulating small business**

11.1. The legislation does not apply to small business.

11.2. Business is, however, included as one of the groups who should be consulted in obtaining the views of the public.

## 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](mailto:benedict.collins11@homeoffice.gsi.gov.uk)) can answer any queries regarding this instrument.

## **EQUALITY IMPACT SCREENING REPORT**

### **Background:**

These regulations update requirements for producing policing plans so that the general public can readily see how their Police Force and Authority are making the most of the money invested in them.

### **Screening analysis:**

A wide range of organisations representing a number of groups were invited to respond to the consultation on the draft Policing Plan (Amendment) Regulations 2010. These included The Black and Asian Police Association, The British Association of Women in Policing, British Sikh Police Association, The Christian Police Association, The Evangelical Alliance, The Gay Police Association, The National Disabled Police Association and The Stephen Lawrence Charitable Trust.

Comments were requested as to whether the draft regulations presented any potential implications for equality and diversity in police authorities or in police authority work.

No organisation responded that they thought the regulations would have implications for equality and diversity.

The regulations amend the specific requirements to be published on efficiency and productivity in the policing plan. They require more detailed reporting in the form of a Value for Money Statement. There is no change to the work of the force as a result of the new reporting requirements that will have an impact on equality.