

**EXPLANATORY MEMORANDUM TO**  
**THE ELECTED LOCAL POLICING BODIES (SPECIFIED INFORMATION)**  
**(AMENDMENT) ORDER 2012**

**2012 No. 2479**

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 This instrument makes minor amendments to the Elected Local Policing Bodies (Specified Information) Order 2011 (“the original Order”), which sets out the information that Police and Crime Commissioners (“PCCs”) and the Mayor’s Office for Policing and Crime (“MOPAC”) must publish. The purpose is to reduce the burden of publication on these bodies in some respects, while seeking to ensure that the public has access to the information necessary to hold the bodies to account.

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

3.1 None.

4. **Legislative Context**

4.1 The Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) makes 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 PCCs. The Act also abolishes the Metropolitan Police Authority and replaces it with MOPAC – an office held by the Mayor of London. PCCs and MOPAC are referred to collectively in the Act as elected local policing bodies. The provisions in relation to MOPAC came into force on 16th January 2012; those in relation to PCCs are to come into force on 22nd November.

4.2 Section 11(1) and (2) of the 2011 Act requires an elected local policing body to publish any information specified by the Secretary of State by Order. The Secretary of State may also specify by Order the time and manner of publication.

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**

- *What is being done and why*

7.1 The original Order specifies the information that must be published by elected local policing bodies. Information is specified in relation to matters which are of public interest, and the instrument broadly follows the general approach taken in the Code of Recommended Practice for Local Authorities on Data Transparency issued by the Department for Communities and Local Government in September 2011 under section 2 of the Local Government Planning and Land Act 1980. The Order specifies the timing of publication of the various categories of information listed, but not the manner of publication, which is left to the discretion of the individual body. The Order came into force on 16th January 2012, and applied to MOPAC from that date.

7.2 When the original Order was examined by the House of Lords Merits of Statutory Instruments Committee (now the Secondary Legislation Scrutiny Committee) they asked the Home Office for more information about the £500 threshold for identifying and publishing contracts, about the manageability of publication for new bodies and about the impact of the Order generally. In response, the Home Office undertook to work closely with partners in assessing the application of the Order to MOPAC, and to amend the Order if there was evidence to suggest that doing so could reduce the burden on the elected local policing bodies while maintaining transparency.

7.3 This amending Order was written following further consultation with partners. It seeks to maintain transparency of information whilst removing some of the bureaucracy from the elected local policing bodies in relation to contracts and custody visitors.

7.4 The changes made by the Order are that:

- The value threshold for publication of tenders and contracts is increased from £500 to £10,000, to match the arrangements in place for central Government. A list of contracts with a value of £10,000 or less is to be published, but not the documents themselves.
- Information on expenditure and contracts of the Chief Officer of Police is to be published by the PCC, to ensure that the public has a complete picture of all police spending.
- The requirement to identify persons appointed as custody visitors is replaced with a requirement to publish general information about custody visitor arrangements.
- An additional requirement is added to publish information about the use made of the staff of the Chief Officer of Police or local authorities, to supplement the information already required about the elected local policing body's own staff.

- ***Consolidation***

7.5 This is the first time that the original Order has been amended, and the amendments are small. On that basis, consolidation is not thought to be appropriate at this stage.

**8. Consultation outcome**

8.1 The Secretary of State consulted with a wide range of partners involved in the introduction of elected local policing bodies, and with other Government departments.

**9. Guidance**

9.1 The Order is intended to speak for itself, but there may be a need to issue light-touch guidance to help ensure that all information is made as accessible and easily understood as possible.

**10. Impact**

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

10.2 The impact on the public sector is minimal. The information required under these regulations is partly based on the information that police authorities publish at present, and much of it is information that elected local policing bodies would publish in any event in order to comply with the separate duty under section 11(3) of the 2011 Act (which requires the publication of information necessary for the public to assess the performance of the body). We would expect this additional transparency to drive efficiencies as public scrutiny is applied. Any additional costs that could be generated would be met from these savings in public expenditure.

10.3 An Impact Assessment has not been prepared for this instrument. The impact of requiring the publication of information by the new policing bodies is covered by the impact assessment that was prepared for the Act, which is available at <http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/>.

**11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 The replacement of police authorities with elected local policing bodies is a matter of significant interest to the Home Office – the impact of this Order will be monitored as part of the ongoing consideration of the success of the policy. It is not intended to have a separate formal process of review.

### **13. Contact**

13.1 Oscar Ramudo at the Home Office Tel: 020 7035 4870 or email: [oscar.ramudo2@homeoffice.gsi.gov.uk](mailto:oscar.ramudo2@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.