

EXPLANATORY MEMORANDUM TO
THE ELECTED LOCAL POLICING BODIES (SPECIFIED INFORMATION)
(AMENDMENT) ORDER 2013

2013 No. 1816

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 ensure consistency in the information published, so 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”) made changes to the governance arrangements for policing in England and Wales, with the exception of the City of London police area. The Act abolished police authorities responsible for maintaining police forces outside London and replaced them with directly elected PCCs. The Act also abolished the Metropolitan Police Authority and replaced it with the MOPAC – an office held by the Mayor of London. PCCs and MOPAC are referred to collectively in the Act as elected local policing bodies.

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.

4.3 The original order was amended in 2012 by the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 (S.I. 2012/2479).

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. The Order came into force on 16th January 2012 and applied to MOPAC from that date and to PCCs on 22nd November.

7.2 This Order makes amendments to the original Order to ensure consistency of transparency requirements in relation to expenditure on travel, accommodation and subsistence for “relevant office holders”, namely the PCC, the Mayor of London in his capacity as the MOPAC, and their deputies.

7.3 At present the original Order requires the publication of information about allowances paid to relevant office holders in respect of these matters. However, it does not require the publication of information about expenditure in relation to these matters, where the payment is made to the supplier of the goods or services rather than to the relevant office holder by way of an allowance. The amendments ensure that the duty to publish extends to this information, which is to be published on a quarterly basis.

- *Consolidation*

7.4 Although the second time that the original Order has been amended, 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 range of partners, including the elected local policing bodies and local policing bodies’ chief executives, and with other Government departments.

9. Guidance

9.1 The Order is intended to speak for itself, but there may be a revisions made to the 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 to be published under this Order is partly based on the information elected policing bodies publish at present. 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.parliament.uk/documents/impact-assessments/IA10-148.pdf>

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The transparency of 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 Andrew Woodward at the Home Office Tel: 020 7035 6754 or email: andrew.woodward@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.