

**EXPLANATORY MEMORANDUM TO**  
**THE ELECTED LOCAL POLICING BODIES (SPECIFIED INFORMATION)**  
**(AMENDMENT) ORDER 2021**

**2021 No. 547**

**1. Introduction**

- 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 This Order amends the Elected Local Policing Bodies (Specified Information) Order 2011, which requires Police and Crime Commissioners (PCCs) and those Mayors exercising PCC functions to publish certain information. Amongst the information which must already be published by PCCs is information relating to their expenses, decision making processes and governing procedures. This Order provides that information relating to their force's performance against the Government's published national priorities for policing, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) performance reports on the force, and complaint handling must also be published, and specifies that this must be in a prominent place on the elected local policing body's website. This additional information will further improve the transparency and public accountability of PCCs.

**3. Matters of special interest to Parliament**

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

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The extent of this instrument is England and Wales.  
4.2 The territorial application of this instrument is England and Wales.

**5. European Convention on Human Rights**

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

**6. Legislative Context**

- 6.1 Section 11 of the Police Reform and Social Responsibility (PRSR) Act 2011 imposes obligations on PCCs and Mayors exercising PCC functions in relation to the publication of information specified by the Secretary of State by Order.

- 6.2 The Elected Local Policing Bodies (Specified Information) Order 2011 is intended to ensure that PCCs make available to the public information on: who they are and what they do; what they spend and how they spend it; what their priorities are and how they are meeting these; how they make, record and publish their decisions; what policies and procedures govern the office of PCC; and public access to a register of interests. This Order will amend the 2011 Order to add the aforementioned categories of specified information.

## **7. Policy background**

### *What is being done and why?*

- 7.1 In 2019, the Conservative Party manifesto committed to strengthening the accountability of PCCs and expanding their role. In July 2020, the Minister of State for Crime and Policing announced a two-part PCC Review into their role to consider how the Home Office can better ensure that the public can hold PCCs to account for the performance of their force. Part One of the Review focused on changes required to strengthen the accountability of the PCC model and mapped out the longer-term ambitions for the expansion of the role.
- 7.2 Part One began in July 2020 and collated views and evidence from stakeholders across policing, fire and local government, voluntary and community organisations and the public through polling and focus groups. The review identified the importance of making it easier for the public to make an informed decision at the ballot box about the record of their PCC. For example, most respondents would not know how to find the information they need to judge how well their elected official is doing. There are also inconsistencies in what information PCCs publish, although there have been recent efforts by the Association of Police and Crime Commissioners (APCC) to help improve transparency.
- 7.3 Although we do not advocate a “one-size fits all” approach to how PCCs should communicate with their electorate, it was recognised from the evidence gathered that there would be benefit in setting out some minimum standards on the publication of information. The Review identified a number of priorities where additional information would help the public assess their PCC’s performance – namely: a narrative on their force’s contribution to achieving improvements against the Government’s published national priorities for policing; HMICFRS force performance reports and HMICFRS assessment; and complaint handling information. This instrument gives effect to a key recommendation of Part One of the Review.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 This instrument makes small amendments to existing legislation, as set out above, and they will not be consolidated.

## **10. Consultation outcome**

- 10.1 This instrument delivers a key recommendation of Part One of the PCC Review to improve the transparency and accountability of PCCs to the public they serve. The Review was internal but consulted widely across the policing sector and interested stakeholders, including sixty-six individual interviews with stakeholders across policing, fire and local authority sectors and over 100 written submissions from relevant bodies and individuals. Thematic workshops were also held with Chief Constables, the Association of Police Authority Chief Executives (APACE), the APCC and Mayoral Combined Authorities on the mayoral model, and with the Local Government Association on Fire. Seven regional events were held with PCCs, in addition to a roundtable with Police Fire and Crime Commissioners and APACE. A bespoke public survey and focus groups on public awareness of PCCs were employed, along with policing focused events with representatives from 19 voluntary and charitable sector organisations. Academic sources and think tank reports were also drawn upon to inform the recommendations. Ministers shared final recommendations of the Review via a Written Ministerial Statement on 16<sup>th</sup> March 2021.

## **11. Guidance**

- 11.1 Existing guidance on the 2011 Order will be updated to reflect these amendments and shared with PCCs, mayors exercising PCC functions and APACE.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 The impact on the public sector is that PCCs and mayors exercising PCC functions are required to publish additional information in the interests of transparency and accountability to the communities they serve.
- 12.3 An Impact Assessment has not been prepared for this instrument as it only makes small amendments to the existing reporting requirements on PCCs and mayors exercising PCC functions.

## **13. Regulating small business**

- 13.1 The Order does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 The Home Office does not intend to put in place any formal mechanism for monitoring and reviewing this instrument. As a directly elected individual, the PCC or Mayor exercising PCC functions will be accountable to the public for the implementation of this Order.

## **15. Contact**

- 15.1 Mike O'Brien at the Home Office, [mike.obrien@homeoffice.gov.uk](mailto:mike.obrien@homeoffice.gov.uk), 07786 993425 can be contacted with any queries regarding the instrument.
- 15.2 Sally Parkinson, Deputy Director for Police Strategy and Reform, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Minister of State for Crime and Policing, Kit Malthouse MP can confirm that this Explanatory Memorandum meets the required standard.