

2010 No. 421

POLICE, ENGLAND AND WALES

**The Police Authority (Community Engagement and
Membership) Regulations 2010**

<i>Made</i>	- - - -	<i>22nd February 2010</i>
<i>Laid before Parliament</i>		<i>24th February 2010</i>
<i>Coming into force</i>	- -	<i>17th March 2010</i>

The Secretary of State, in exercise of the powers conferred by section 96 of, paragraphs 1 and 4 of Schedule 2 to, and paragraphs 1 and 3(2) of Schedule 2A to the Police Act 1996(a), makes the following Regulation.

In accordance with section 96(8) of, paragraph 6 of Schedule 2 to, and paragraph 6 of Schedule 2A to that Act, the Secretary of State has consulted with the Association of Police Authorities, the Association of Chief Police Officers, persons whom he considers to represent the interests of county and district councils in England and county and county borough councils in Wales, the Metropolitan Police Authority, the Greater London Authority, persons whom he considers to represent the interests of London Boroughs, and such other persons as he saw fit.

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Police Authority (Community Engagement and Membership) Regulations 2010 and shall come into force on 17 March 2010.

(2) In these Regulations—

- (a) “the Police Authority Regulations” means the Police Authority Regulations 2008(b);
- (b) “the Metropolitan Police Authority Regulations” means the Metropolitan Police Authority Regulations 2008(c).

(3) Regulations 9, 10, 11, 13, 14, 15 and 16 shall not apply to the appointment of a member of a police authority where a selection panel began to exercise its functions under the Police Authority Regulations or the Metropolitan Police Authority Regulations in relation to that appointment before 17 March 2010.

(a) 1996 c. 16; section 96 was amended by paragraph 30(1) and (4) of Schedule 2 to the Police and Justice Act 2006 (c. 48); Schedule 2 was substituted by paragraph 2 of Schedule 2 to the Police and Justice Act 2006; Schedule 2A was inserted by Schedule 26 to the Greater London Authority Act 1999 (c. 29) and substituted by paragraph 4 of Schedule 2 to the Police and Justice Act 2006.

(b) S.I. 2008/630.

(c) S.I. 2008/631.

Arrangements for obtaining the views of the community on policing

2. In making or reviewing arrangements for obtaining the views of people in its police area about matters concerning the policing of the area, each police authority shall have particular regard—

- (a) to the need to ensure that it obtains the views of a wide range of people, including—
 - (i) people who are aged under 21 or over 65;
 - (ii) people who belong to the business and voluntary sectors in the area (whether or not they live in the area);
 - (iii) people from diverse backgrounds and sectors of society, including those of disadvantaged socio-economic status and from groups which are perceived by the authority as hard to reach;
- (b) to the need to ensure that it obtains a sufficient number and range of views to avoid it acting on the basis of an unduly limited or unrepresentative sample;
- (c) to the need to ensure that it obtains the views of the people in its area sufficiently often that it is continually aware of such views, so far as this is reasonably practicable;
- (d) to the need to ensure that the public are offered a range of different routes, including in appropriate cases meetings with the police authority and with senior officers of the police force, by which to communicate their views to the police authority;
- (e) to the need to avoid unnecessary duplication with comparable arrangements made by police forces, local authorities, crime and disorder reduction partnerships, community safety partnerships and local criminal justice boards;
- (f) to the need to ensure that the public are given the opportunity to comment on issues which, judging by the number and nature of complaints received by the police force or police authority, are matters of particular local concern.

3. A police authority making or reviewing arrangements as mentioned in regulation 2 shall have particular regard to the need to obtain views on—

- (a) whether people in the area consider that the authority gives due regard to their views in discharging its functions;
- (b) whether people in the area consider that the police force is fulfilling its role in tackling the crime and anti-social behaviour issues that matter to them;
- (c) whether people in the area consider that the police force is providing a good service to the public;
- (d) whether people in the area consider that community support officers have appropriate powers to deal with local concerns, within the range of powers available under Part 4 of the Police Reform Act 2002(a).

Amendment to the Police Authority Regulations

4. For regulation 8 of the Police Authority Regulations (appointment of members by relevant councils) substitute—

“8. Subject to regulation 8A, a relevant council or joint committee shall exercise its power to appoint members of a police authority under regulation 6(1)(a) or 6(2)(a) so as to ensure that, so far as reasonably practicable—

- (a) where—
 - (i) a person has been returned at an election as the elected mayor of a relevant council under Part 2 of the Local Government Act 2000(b);

(a) 2002 c. 30.

(b) 2000 c. 22.

- (ii) both that person and the council indicate that they wish the person to be appointed as a member of the police authority in relation to which the council is the relevant council,
that person is so appointed, and
- (b) in the case of the remaining members for whose appointments it is responsible, the proportion (taking into account any appointment under sub-paragraph (a)) who are members of any given party—
 - (i) where it is a council that is responsible for their appointment, is the same as the proportion of the members of the council who are members of that party; and
 - (ii) where it is a joint committee that is so responsible, is the same as the proportion of the members of the relevant councils taken as a whole who are members of that party.”.

5. After regulation 8 of the Police Authority Regulations insert the following regulation—

“**8A.** In exercising its power to appoint members of a police authority under regulation 6(1)(a) or 6(2)(a) a relevant council or joint committee shall—

- (a) ensure that, so far as reasonably practicable, the persons appointed by them—
 - (i) represent the interests of a wide range of people within the community in the police area of the police authority;
 - (ii) include persons with skills, knowledge or experience which are perceived by them to be under-represented among the existing members of the police authority;
 - (iii) promote diversity within the force and the police authority in question; and
 - (iv) are likely to commit sufficient time to take an effective role in the work of the police authority;
- (b) explain to the police authority, if so requested, how it met the requirements in sub-paragraph (a); and
- (c) have regard to any guidance issued or approved by the Secretary of State as to the qualities required by persons who serve as members of the police authority.”.

6. In Regulation 12 of the Police Authority Regulations (chairmen and vice chairmen) after paragraph (3) insert—

“(4) A person who wishes to be considered for appointment as chairman of a police authority shall, unless it is impracticable to do so, not less than ten days before the annual meeting at which he is so appointed, or any meeting at which an interim chairman is appointed, submit to the authority a statement setting out the reasons why he wishes to be so considered.

(5) A police authority which receives a statement under paragraph (4) shall arrange for it to be circulated to all members of the authority not less than five days before the annual meeting.”.

7. In regulation 24 of the Police Authority Regulations (tenure of office) after sub-paragraph (c) insert—

- “(ca) the police authority is satisfied that the member has not committed sufficient time to take a proactive role in the work of the authority,
- (cb) the member has failed to meet any requirement of the post that was set out by the authority on his appointment, or”.

8. After regulation 24 of the Police Authority Regulations insert—

“**24A.** A police authority may remove its chairman from office as such if it passes a resolution to that effect.”.

9. For regulation 32 of the Police Authority Regulations (selection panels) substitute—

- “32. Each selection panel shall consist of three members,
- (a) two of whom shall be appointed by the members of the police authority for the area; and
 - (b) one of whom shall be appointed by the members of the police authority for the area from a list of candidates prepared by the Secretary of State, and that member shall act as chair of the panel.”.

10. In regulation 33(5) of the Police Authority Regulations (selection panels) for “regulation 32(b) and (c)” substitute “regulation 32(b)”.

11. Omit regulation 34(2) of the Police Authority Regulations (selection panels).

12. In regulation 39 of the Police Authority Regulations (functions of selection panel – short-listing)—

- (a) for “shall have regard to the desirability of ensuring that” substitute “ensure”;
- (b) delete the “and” at the end of sub-paragraph (a), and at the end of sub-paragraph (b) insert—
 - “(c) promote diversity within the force and the police authority in question; and
 - (d) are likely to commit sufficient time to take a proactive role in the work of the police authority.”.

Amendment of the Metropolitan Police Authority Regulations

13. In regulation 30 of the Metropolitan Police Authority Regulations (selection panels)—

- (1) for “five” substitute “four”;
- (2) omit sub-paragraph (b); and
- (3) in sub-paragraph (d) for “(a), (b)” substitute “(a)”.

14. In regulation 31(3) of the Metropolitan Police Authority Regulations for “30(b), (c)” substitute “30(c)”.

15. In regulation 32(3) of the Metropolitan Police Authority Regulations for “30(b), (c)” substitute “30(c)”.

16. Omit regulation 33(2).

Home Office
22nd February 2010

David Hanson
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision supplementing that in section 96 of the Police Act 1996 (arrangements for obtaining the views of the community on policing) and also make provision as to the membership of police authorities.

Regulations 2 and 3 make provision as to matters to which a police authority shall have regard in making or reviewing arrangements for obtaining the views of the community on policing.

Regulations 4 to 12 amend the Police Authority Regulations 2008 (S.I. 2008/630).

Regulation 4 facilitates the appointment of directly elected mayors to police authorities as councillor members.

Regulation 5 sets out criteria to be considered when councillor members are appointed to police authorities.

Regulation 6 makes provision for people who are considered for appointment as chairman of a police authority to circulate a statement of their suitability for that post.

Regulation 7 sets out additional grounds for a police authority to remove a member from office.

Regulation 8 allows a police authority to pass a resolution to remove its chairman from office.

Regulations 9 to 11 amend the composition of the selection panels which appoint independent members of police authorities, and make consequential amendments.

Regulation 12 amends the criteria to be considered when councillor members are appointed to police authorities.

Regulations 13 to 16 amend the Metropolitan Police Authority Regulations 2008 (S.I. 2008/631) to remove from the selection panel (which has the function of short-listing candidates for appointment as independent members of the Authority) the post of appointee of the Secretary of State. They also make consequential amendments.

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STATUTORY INSTRUMENTS

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£4.00