

**EXPLANATORY MEMORANDUM TO
THE POLICING PLAN REGULATIONS 2008**

2008 No. 312

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
 - 1.1. This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Description**
 - 2.1. Section 6ZB of the Police Act 1996 requires police authorities to produce a policing plan before the beginning of each financial year setting out the police authority's expectations for the local police force and what it should deliver during the following three years. These regulations supplement section 6ZB setting out further requirements of what should be included in a policing plan and what a police authority must consider before issuing one.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1. None.
4. **Legislative background**
 - 4.1. Section 6ZB of the Police Act 1996, inserted by the Police and Justice Act 2006 governs policing plans, and allows the Secretary of State to make regulations to supplement the requirements of that section. This section requires chief officers to prepare and police authorities to issue policing plans for each financial year setting out the policing objectives for the coming year and the arrangements for the policing of that area for the coming three years. The section provides that the policing objectives must be consistent with the Home Secretary's strategic priorities. These Regulations supplement section 6ZB by providing that police authorities must consider certain matters before issuing policing plans, that their policing plans must include details in respect of certain matters that relate to policing in their area and that the police authority must publish their policing plan by the end of June in each year. Section 6ZB and these Regulations will ensure that policing plans comprehensively address the policing issues that arise in a police authority's area.
 - 4.2. Policing plans under section 6ZB replace the previous obligations under sections 6A, 7 and 8 of the Police Act 1996 in respect of three year strategy plans, annual

local policing objectives and annual local policing plans respectively which are being repealed from the date the Policing Plan Regulations 2008 take effect.

5. **Extent**

- 5.1. This instrument applies to England and Wales

6. **European Convention on Human Rights**

- 6.1. No statement is required because the instrument is subject to negative resolution procedure and does not amend primary legislation.

7. **Policy Background**

- 7.1. The Police and Justice Act 2006 replaces sections 6A, 7 and 8 of the Police Act 1996, requiring police authorities to issue a three year strategy plan, annual local policing objectives and an annual policing plan respectively with the requirement in section 6ZB of the Police Act 1996 to issue one annual three year rolling policing plan. Section 6ZB also allows for these regulations to be made to supplement that section.
- 7.2. Section 6ZB was included in the 2006 act to incorporate the contents of the previous annual policing plan and the three year strategy plan into one rolling three year plan, which will also set out local targets. This change was made as it was considered it would be more efficient to combine the current requirements for police planning into one rolling plan. It also means the public are able to see all the planning for local policing in one place.
- 7.3. The new regulations have been made so that, by clearly stating the detailed requirements for policing plans in one set of regulations, police authorities will know what is required of them in their policing plans, which will ensure consistency across England and Wales. Also, the public will clearly be able to see what they can expect of their police authority's plan, allowing more awareness of the process and contents of police plans.
- 7.4. The regulations require police authorities to include the various matters which were previously included in annual policing plans and strategy plans in the formulation of the rolling three year policing plan.
- 7.5. To ensure an emphasis on the local element of policing, and to ensure police authorities consider the issues raised with them regarding their local area, police authorities will also be required to include strategies and targets formulated on a local basis in Crime and Disorder Reduction Partnership Plans and Local Area Agreements under the Crime and Disorder Act 1998 the Local Government and Public Involvement in Health Act 1998 respectively.

- 7.6. To ensure all authorities consider the importance of protective services, the regulations specifically require inclusion of local policing services in relation to protective services. The term “protective services” is defined in the regulations and is the subject of the Association of Chief Police Officers' document "Protective Services Minimum Standards" dated 27th December 2007. The term is well understood by police authorities and the police service.
- 7.7. The Association of Chief Police Officers, the Association of Police Authorities, UNISON, Her Majesty's Inspectorate of Constabulary and the Audit Commission were consulted on this instrument in a formal consultation exercise lasting around a month. Generally responses were favourable although some commentary was returned which, where appropriate, was incorporated into the instrument. It was commented that some consultees felt that regulations were unnecessary given that duties were mainly from other legislation. However, it is considered that rather than restating duties from other legislation, the regulations create a new duty for police authorities to produce a plan that includes a number of matters arising from other legislation. It is further considered that there is a real advantage to both police authorities and the general public that all matters relating to the policing of police authorities' areas are clearly set out in one place.
- 7.8. It is noted that there will be a relatively short period between these regulations commencing and the final date (31st March 2008) that Police Authorities must issue a plan. However, the Home Office has worked closely for many months with the APA and ACPO on drawing up the regulations, including a series of road shows finishing in October 2007; timescales were set out at this time. A draft copy of the regulations was circulated to the APA and ACPO at the beginning of December 2007, and these were passed to Police Authorities. It is therefore considered that Police Authorities have been aware of what requirements will be place on them in March 2008, and both the Home Office and the APA consider that police authorities will be able to comply with the regulations when they commence.

8. **Impact**

- 8.1. A Regulatory Impact Assessment has not been carried out as it was concluded this instrument has no impact on business, charities or voluntary bodies, and the impact on public bodies would be less than £50,000 per annum.
- 8.2. An Equality Impact Assessment was carried out, following consultation with parties representing the wider community, and it was concluded that the regulations are likely to enable more representation from the wider community, and are unlikely to have any negative impact on equality. It was noted, however, that these regulations do not specifically address accountability of Police Forces and police authorities.

9. Contact

- 9.1. Neil King at the Home Office (tele: 020 7035 4858 or email: neil.king12@homeoffice.gsi.gov.uk) can answer any queries regarding this instrument.

THE EQUALITY IMPACT ASSESSMENT REPORT

Background:

These regulations aim to codify requirements for producing Police Plans so the general public can readily see what they can expect from their Police Force.

The guidance accompanying these regulations also makes specific reference to how the relevant Police Force and Authority should approach equality issues.

Methodology:

A wide range of organisations representing a large number of groups were consulted and invited to make comments on what they thought the effects on equality would be likely to be. These included The National Black Police Association, The Association of Muslim Police, The Gay Police Association, The British Association of Women Police, The National Disabled Police Association, The Stephen Lawrence Charitable Trust, The Christian Evangelical Alliance, The Racist Incidents Helpline Working Group, The Ujima Housing Association and The Turning Point Social Care Organisation.

Comments were asked for under specific areas (faith, race, disability, gender, gender identity, sexual orientation and age) but all responses referred equally to all, so a general response is reflected here.

Comments were not received from every organisation invited to take part. No organisation commented that they thought the regulations would have a negative impact, although it was commented that the regulations in themselves did not seek to increase the accountability of Police Forces and/or Authorities.

A number of comments were received stating that it was thought the regulations would have a positive effect on equality. Comments were also received stating that some wording in the guidance accompanying the regulations insinuated a bias towards racial equality over other forms of equality.

Assessment & analysis

After consultation with various organisations, it is felt that these regulations are likely to have a positive effect on equality. Where wording in guidance insinuated a bias towards racial equality, this wording was changed to ensure all forms of equality were equally recognised. Changes to the accountability of Police Authorities were not an aim of this policy, and therefore this point is not directly addressed, although other work currently underway within the Home Office will consider this issue further.