

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
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GENERAL COMMITTEES

Public Bill Committee

POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

Twentieth Sitting

Thursday 17 February 2011

(Afternoon)

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The Committee consisted of the following Members:

Chairs: MR JOE BENTON, †MR CHRISTOPHER CHOPE, MR GEORGE HOWARTH, MR GARY STREETER

- | | |
|--|---|
| † Brokenshire, James (<i>Parliamentary Under-Secretary of State for the Home Department</i>) | † Macleod, Mary (<i>Brentford and Isleworth</i>) (Con) |
| † Burley, Mr Aidan (<i>Cannock Chase</i>) (Con) | Mills, Nigel (<i>Amber Valley</i>) (Con) |
| † Coaker, Vernon (<i>Gedling</i>) (Lab) | † Offord, Mr Matthew (<i>Hendon</i>) (Con) |
| † Crockart, Mike (<i>Edinburgh West</i>) (LD) | † Phillipson, Bridget (<i>Houghton and Sunderland South</i>) (Lab) |
| † Donaldson, Mr Jeffrey M. (<i>Lagan Valley</i>) (DUP) | † Ruane, Chris (<i>Vale of Clwyd</i>) (Lab) |
| † Efford, Clive (<i>Eltham</i>) (Lab) | † Tami, Mark (<i>Alyn and Deeside</i>) (Lab) |
| † Ellis, Michael (<i>Northampton North</i>) (Con) | † Wright, Jeremy (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Herbert, Nick (<i>Minister for Policing and Criminal Justice</i>) | |
| † Huppert, Dr Julian (<i>Cambridge</i>) (LD) | James Rhys, <i>Committee Clerk</i> |
| † Johnson, Diana (<i>Kingston upon Hull North</i>) (Lab) | |
| † McCabe, Steve (<i>Birmingham, Selly Oak</i>) (Lab) | † attended the Committee |

Public Bill Committee

Thursday 17 February 2011

(Afternoon)

[MR CHRISTOPHER CHOPE *in the Chair*]

Police Reform and Social Responsibility Bill

Written evidence to be reported to the House

PR 132 Local Government Ombudsmen

New Clause 2

CODE OF PRACTICE ON THE OPERATIONAL INDEPENDENCE OF CHIEF CONSTABLES

(1) The Secretary of State shall publish a Code of Practice on the Operational Independence of Chief Constables detailing where their actions shall be independent of the Police and Crime Commissioner.

(2) Regulations to bring into force a Code of Practice under subsection (1) shall be subject to agreement by affirmative resolution of both Houses of Parliament.—(*Vernon Coaker.*)

Brought up, read the First time, and Motion made (this day), That the clause be read a Second time.

1 pm

Vernon Coaker (Gedling) (Lab): Good afternoon, Mr Chope. I welcome you back to the Chair and members of the Committee back to our last sitting. Unfortunately, judging by the Home Office programme, it seems that we will have more Bills, but I do not know whether we will all be members of the Committees that consider them.

Interestingly, I remember that when the Government were in opposition they said that it was ridiculous for the House to consider so many Home Office Bills in one year. I know that this is their first year in government and they are flushed with enthusiasm and excitement, but I remember being lectured at great length about being unable to scrutinise and plan such Bills properly—but that was in a different era.

The new clause is extremely important. Our debate on the Bill has been interesting—we have agreed with much of it in principle, but have sometimes disagreed, or required clarification, on its detail. That has not been the case with the provision for a single individual to be responsible for a police force, and the establishment of the police and crime commissioners. We will return, on Report, to the matter of one person being responsible for a huge geographical area, about which various concerns have been expressed by a range of stakeholders. It would be interesting if the Minister published all the responses that the Home Office received to that consultation, rather than only a summary. Publishing such a summary is usually a good way of hiding the fact that there has not been much support for a measure.

The Minister for Policing and Criminal Justice (Nick Herbert): No.

Vernon Coaker: Perhaps the Minister will demonstrate that I am wrong by publishing all the responses.

The flaw at the heart of the Bill is that there is no proper check and balance on the work of the police and crime commissioner. I hear that concern everywhere I go. The Minister, people who surround the Prime Minister, and one or two others do not agree, but that does not alter the fact that the vast majority of people recognise that failure and its huge bearing on operational independence. Such concern is shared by the hon. Members for Edinburgh West and for Cambridge, judging by the number of amendments that they tabled to strengthen the power of the police and crime panel over the commissioner. The police and crime panel is a toothless watchdog. We have no draft of the memorandum of understanding between the commissioner and the constable on operational independence, which makes the concern even more acute.

People talk about operational dependence. I remind the Committee that the Metropolitan police have stated: “Accountability is essential to securing an efficient and effective police service, as is the operational independence of Chief Officers.” The Minister will say that he agrees, but those concerns are real. It has also stated:

“New governance structures must have operational independence as their overriding principle... Chief Officers must have the ‘space’ to do the job they were employed to do”.

Under the new clause, the Minister could say that he understands those fears and concerns, and knows what people are saying, but that they have no need to worry. He could say, “Don’t worry about it. I know there’s a problem, but the Bill sets up the new model in such a way that it won’t cause the problem people think”.

The Minister regards the Association of Police Authority Chief Executives as a dinosaur and its members as people who will not vote for their own demise at Christmas, people who are out of touch and standing in the way of the progressive nature of the new Government determined to bring democratic accountability to policing that has never existed before. I know all about the idealistic out-of-touch vision of where policing should go. Let us consider APACE, a body that the Minister listens to and agrees has greater validity than the Association of Police Authorities, although the hon. Member for Edinburgh West is a great fan of APA and often quotes it in support of his amendments. APACE says that

“There will be issues which the commissioner will consider legitimate in their governance but which chief constables will argue are a matter of operational independence. Examples include a promise to increase visibility of police officers in neighbourhoods or the use of sensitive counter-terrorism powers. Strong governance, together with the minimisation of potential conflict and confusion, will only be ensured by high quality and carefully crafted legislation.”

The new clause would give the Minister the opportunity to have the carefully crafted legislation wanted by APACE.

Paul McKeever, the chairman of the Police Federation, said that the

“commissioner should not be allowed to impinge on that operational side of policing. That is the sort of area that needs to be clarified as the Bill goes through Parliament, to ensure that there is an understanding and that we do not have bickering.”

The Association of Police Authorities, which I cannot resist quoting—notwithstanding the Minister’s view of its membership—said:

“The proposed system could therefore incentivize PCCs to seek conflict with Chief Officers”,

alluding to our earlier point about PCCs elected on a particular mandate to pursue a particular style of policing and to encourage chief constables to change how areas are policed.

What are we proposing? The new clause is meant in the spirit of helpful co-operation to the Minister. I shall put it on the record again that it is absolutely essential that the draft or even a draft of a draft of the code of practice defines the responsibilities of the police and crime commissioner, vis-à-vis the chief constable under the new model of governance, and that the Minister has confirmed that he is taking that forward.

Discussions are going on at the Home Office and, presumably, with ACPO and others to develop the draft. I accept that it is not an easy process, none the less it is an essential process. How much easier it would be for the House of Commons to debate whether the Minister has found a way of resolving the tension between the police and crime commissioner and the chief constable if we had the draft in front of us and understood some of the principles that he expects to operate under the new model. Will he give us some idea of the things that will be included in the draft and tell us about some initial thinking?

Will the Minister not just say that he expects the draft as soon as possible, but say when we can expect the draft of the draft? Notwithstanding our difference on the issue, I honestly believe that each member of the Committee is now interested in seeing a copy of the draft. When it comes to the Bill being debated on Report and beyond, people will want more information and certainly a copy of the draft of the code of practice. I understand the problems, but the chief constable of the West Midlands police authority said that it would help the Committee's deliberations and the understanding of those outside Parliament if the code of practice were available.

The code of practice is of such importance, as is people's concern about the politicisation of policing. They are worried across the board that the model will lead to politicisation. Under the new clause, when the Minister has moved beyond the draft code of practice identifying the operational independence of chief constables when dealing with police and crime commissioners, it should be laid before Parliament, so that hon. Members and Members of the House of Lords have the opportunity to discuss the draft, with its approval being subject to the affirmative resolution procedure. That would give some reassurance to those who have articulated concerns about politicisation.

I do not want to be too long, so I will finish with this thought. Surely, if every police authority, the Association of Chief Police Officers, the Association of Police Authority Chief Executives, local authorities and individual Members of Parliament—virtually everyone—are united in their concerns and worries about the new model, the Minister should try to deal with that by adopting the new clause. The alternative is that the code of practice is agreed somewhere, but what scrutiny will Parliament or any Member have over it? Parliament should scrutinise it, because it is of such importance and is such a fundamental part of the new model that the Minister wants.

If the Minister rejects the new clause, it is incumbent on him to explain how the draft code of practice will be arrived at, who will agree it and what process will be followed to bring it about. I say again that I have

respectfully and politely asked the Minister to accelerate the production of the draft, so that we can consider it. I cannot say how strongly I feel. I am opposed to the principle of the Bill, but I feel extremely strongly that the draft should be made available to us, certainly before Report, because Parliament is entitled to have it when considering something so fundamental. I respectfully ask the Minister again to tell us when we can expect the draft to be put before us, so that we can see exactly what the new code of practice will encompass.

Nick Herbert: Good afternoon, Mr Chope. I accept that that issue is important, and I understand why the hon. Gentleman has raised it.

First, on the hon. Gentleman's point about the number of criminal justice Bills, it is worth noting that the last Government presided over 50 such Bills, which was equivalent to creating a new crime every day between 1997 and 2010. There is, of course, a difference in approach, because the Protection of Freedoms Bill that my right hon. Friend the Home Secretary will be piloting through this House is seeking to do the opposite; to look at where we can deal with unnecessary legislation and burdens and protect liberties. It is a fundamentally different approach. This police and crime Bill does not create new criminal offences; it seeks to secure greater accountability of policing. We are not introducing criminal justice Bills in the same way that the previous Government did.

1.15 pm

I will not let the hon. Gentleman's description of police and crime panels as "toothless" go. He is repeating this, but we had an extensive debate about police and crime panels during which I noted that the panels now have powers of veto in two key areas, as well as a lot of other powers. It is not possible to say that a body is toothless when it has the power of veto over a proposal made by a democratically elected figure, which the police and crime commissioner is. That is simply an inappropriate description. It is valid to argue that it should have more powers, but to say that it is toothless actually takes a rhetorical attack on police and crime panels rather too far.

The hon. Gentleman raised the issue of what he has called a code of practice on the operational independence of chief constables, and that has been an important debate in the Committee. I will not rehearse our discussion, but I will respond to what he is trying to secure through this new clause. First, I reiterate my commitment on Second Reading to introduce what I then called a protocol to govern this relationship. I said on 13 December:

"The Chairman of the Committee suggested that a memorandum of understanding might be the means by which that"—

in other words, operational independence—

"could be achieved. That is a good idea and the Government have already said that we will sit down with ACPO once the Bill is enacted and agree an extra-statutory protocol—I am sure that we can discuss these issues as the Bill makes progress—that will set out the terms of agreement to ensure that operational independence is protected. There is agreement between us and ACPO—it is important that the Opposition understand this—that we should not seek to define operational independence in the Bill. That is a matter for case law."—[*Official Report*, 13 December 2010; Vol. 520, c. 769.]

So although the terms "memorandum of understanding", suggested by the Select Committee on Home Affairs, and "protocol", which I proposed, having

discussed the matter with ACPO, have been used interchangeably—I may, myself, have used the term “memorandum of understanding”—it is the proposal for an extra-statutory protocol to which I committed myself on Second Reading. I was clear then that what I envisaged was that we should negotiate that with ACPO once the Bill was enacted. I see no reason why we should not begin work on this protocol. Indeed, I have already invited ACPO to do so. It is important that we make progress with this.

I accept the force of the hon. Gentleman’s argument that this is something in which Parliament will take an interest during the progress of the Bill. I also understand the force of his argument that this is something that Parliament will wish to debate when it is agreed. I take both of those points. I cannot commit now to an absolute deadline for when this document will be agreed. I cannot commit to that, because it requires us to sit down with ACPO and others. I just draw to his attention the fact that the memorandum of understanding in Northern Ireland—governing the new policing arrangements—has been under discussion for 11 years. I appreciate that that is Northern Ireland and there are particular sensitivities, but it is still not agreed. I do not want to be unrealistic and set an artificial timetable that cannot be met.

I accept the spirit in which the hon. Gentleman tabled the new clause—that it would help the Government to make progress. It would be helpful to everyone if we could make progress with the protocol and that is what I am saying to ACPO as well. I made the concession to have such a protocol precisely because I wished to reassure ACPO, and others considering the proposals, that we were serious about ensuring operational independence.

We need to be careful about the content of the protocol and giving further clarification. I hold to what I said, which is that we are not seeking to define operational independence in the document. It is right that we maintain the basic architecture, as we do in the Bill, that chief constables have control and direction of their forces. That is restated in the Bill and we do not seek to define operational independence. The hon. Gentleman mentioned Chris Sims, the chief constable of the West Midlands force. In his evidence to us, he confirmed that he did not wish to see operational independence defined. I believe that that is still the view of ACPO.

So we need to be careful about how much detail such a protocol should have. The protocol should clearly define, for the benefit of the parties concerned, their roles and responsibilities in a way that makes it easier to understand—rather than having to simply read the legislation—and which also draws on historical precedent. For example, such a document might use the words “operational independence”, which are not actually used in any legislation about control and direction. As to whether the protocol should go into any greater detail, that is highly questionable. We would then trespass into the area of seeking to define a relationship and a mode of operation that has been debated for many years in the courts. Ultimately, should there be a breakdown, that would have to be settled in the courts and I do not think we would get anywhere by that.

The various different parties would like clarity—as much clarity as we are able to give them. Those parties are not just the chief constable or the police and crime

commissioner. There are others in this new relationship too. The police and crime panels should have clarity about what their role is and what it is not. There are some who still believe that a police and crime panel should be about scrutinising a force. The protocol would have to remind police and crime panels that their job, as set out in the Bill, is to scrutinise the police and crime commissioner and his actions. The protocol, therefore, is intended to be a clarification of the responsibilities and working arrangements of the new bodies.

Another party to that relationship is the Home Office, and central Government. What is the role of the Home Office in the new landscape and of other agencies that form a part of the new national landscape; for example, the national crime agency? Once we start to consider that they too will be involved—the national crime agency is not involved yet as we have not introduced the legislation to create it, though we have announced that we wish to create it—I hope that the hon. Gentleman will see that this is not a document that will be drafted overnight. Equally, it is clearly a document that we need to have in place before 2012, because that is when those offices will take over and the elections will be held. That is in well over a year’s time, of course. I am not suggesting that it should take that length of time to agree, but it would be unwise of us to be pushed into an artificial timetable to draw up this document.

There is also the question of the extent to which the document is affected by debate in this place and in the other place. I want the hon. Gentleman to understand that I am not dismissing what he is saying. It is desirable that Parliament should debate this and that something should be available for further stages of consideration of the Bill. I am realistic about not committing to an artificial timetable that I might not be able to deliver on, because it does not involve only the Government. That is the point.

Finally, we could further consider whether the protocol should be a statutory code of practice. This is not statutory guidance that then becomes part of the definition of operational independence itself. That would be a real problem. We need to be clear on what this is not. We can come to whether there should be statutory approval of the protocol in due course, but we are not yet at a place where we can decide that. I am trying to recognise the force of the points that the hon. Gentleman makes; I am not dismissing them and I accept that he is making them in good faith. I want to make rapid progress with ACPO in drawing up this protocol. I recognise that it wants the protocol, too, and that it would be helpful to further consideration if we had a draft, but I cannot commit to a firm timetable at this point. Also, this should not be a statutory document subject to statutory approval before we have discussed the nature of the document further with the various parties. This is an ongoing debate, not the end of the debate.

Vernon Coaker: I thank the Minister for his reply. I will not return to the PCP. He knows my views on the PCP, and every time I say that it is a toothless watchdog, he gets up and explains why it is not. I did note that he said that it was a valid to comment to make, if someone thinks that the PCP should have more power, which is exactly my point—I think it should have more power, so it is obviously a valid point. I agree with the right hon. Gentleman that the protocol should not define operational independence. That is a generally accepted point. I also accept his point on not having an artificial timetable.

Before I return to the new clause, I understand that it will take a while to negotiate and come up with something that is not just a draft, but a proposal for discussion and adoption. However, in discussions in Committee, on Report, and when the Bill goes to the other place, we need to see what it will look like. I am not asking for a document to be put before Parliament for agreement; I am asking for a document that will give us some idea of what it will look like and some of the things that it will contain. That would be helpful for the Minister, rather than his talking about this nebulous idea of a protocol, without our being sure of what it is. I know that that will be difficult, and that it will take time to put together and that there will be disagreement and debate. If such a proposal can be drafted, however, it would be helpful.

The Minister recognises the force of what is being said in the new clause, which goes to the heart of the Bill—he will know that from his meetings and discussions with lots of different people. Notwithstanding the model that he is setting up, if he does not get it right, there will be problems. He has agreed that Parliament should be involved in a process—he did not commit himself to what that is—of discussions on the protocol when it is finally put together. I look forward to that, because I think it is important.

1.30 pm

I will press the new clause to a vote, because seeing the division of opinion in the Committee on the new clause is an important way of ensuring that we, as a responsible Opposition, keep pressure on the Government to ensure that some of the commitments made by the Minister in what was a reasonably helpful response in many respects are met.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 25]

AYES

Coaker, Vernon	Phillipson, Bridget
Efford, Clive	Ruane, Chris
Johnson, Diana	Tami, Mark
McCabe, Steve	

NOES

Brokenshire, James	Huppert, Dr Julian
Crockart, Mike	Macleod, Mary
Ellis, Michael	Offord, Mr Matthew
Herbert, rh Nick	Wright, Jeremy

Question accordingly negatived.

New Clause 3

INDEPENDENT ASSESSMENT OF THE MISUSE OF DRUGS ACT 1971

‘The Secretary of State shall commission an independent assessment of the Misuse of Drugs Act 1971 every three years and report its findings to both Houses of Parliament.’—*(Dr Huppert.)*

Brought up, and read the First time.

Dr Julian Huppert (Cambridge) (LD): I beg to move, That the clause be read a Second time.

I had the great pleasure of being able to do drugs with the Under-Secretary on three consecutive days. Two days ago, we discussed the details of the membership of the Committee, and yesterday we discussed the details of specific drugs. Today, I would like to talk about some of the principles underlying the Misuse of Drugs Act 1971.

There have been a number of discussions over many decades about how successful has the approach in the 1971 Act been. Has prohibition worked? Opposition Members raised concerns about that in yesterday's Delegated Legislation Committee. The original idea of the 1971 Act was that it would not take long until the drugs were not around, and that the supply of such classified drugs would simply stop. That has definitely been a failure: there is no doubt that there are illegal drugs and large black markets around. I therefore believe it is time to start thinking about whether we are going in the right direction.

A lot of work has been done. One of the previous incarnations of the Select Committee on Home Affairs produced an extremely good and detailed report, which suggested that more work should be done to look at alternatives. Someone called Cameron even sat on that Committee and supported its conclusions. *[Interruption.]* He was younger at the time. There is a time to start looking at what is happening. I accept that there will be many different opinions in Committee and outside on what a better solution could be and on how well the 1971 Act is working.

The new clause aims not to push the debate in one way or another, but to say that there should be an independent assessment. We regularly assess and review all sorts of aspects of legislation. I think the Minister referred earlier today to the fact that all legislation is kept under review, and that should apply to this matter as well. An independent assessment of the issue might be helpful to understand some of what is happening.

I am pleased and delighted that, during the debates in the previous couple of days, the Government made it clear that they are committed to an evidence-based drugs policy. That has to be an extremely good way to go. The new clause would reaffirm and strengthen that commitment. It would put regular reviews on a statutory footing and ensure that they happen independently. It would also reflect the speed of change in this policy area. Two days ago, there were comments on the fact that the Misuse of Drugs Act dates back to 1971, and that various other provisions are simply outdated. An independent assessment would enable us to find out and check that the legislation is fit for purpose and that we have learned from what has happened in the years since 1971.

An independent assessment would give the Secretary of State a firmer basis on which to base policy judgments, which would be helpful. We have had a commitment to evidence-based policy in, for example, advice from the Advisory Council on the Misuse of Drugs, but it is harder to do that on a wider spectrum without large-scale measures. As a result of the assessment, I hope that we might be able to come up with something that works better. We might come up with something that would be cheaper in terms of police and medical support time, and hopefully something that may further reduce harm. We might not, but it would be worth at least starting to think about how we could assess the Act to find out

[*Dr Julian Huppert*]

whether we are on the right lines and whether there is a better alternative that would help more people around the country.

Much as I would love to hear the Minister agree so that we nod the new clause through, I am not expecting that and I do not plan to press the measure to a vote. I hope that in somewhat slower time the Minister will be able to think through the options and think about whether there is a way for Parliament to start such a review process that would apply to this and future Governments. We could have rational discussion on what is the best way, rather than being tied in to a decision that was made in 1971, which seemed very sensible and appropriate at the time. It has simply not worked as well as people thought it would at the time. I look forward to hearing the Minister's comments.

Clive Efford (Eltham) (Lab): The hon. Member for Cambridge has raised an important point. I, too, will be interested to hear the Minister's response. The hon. Gentleman is asking for an opportunity to air concerns about drug regulation, which, as he has pointed out, is rapidly changing and developing. Professor Iversen referred to 40 legal highs that are out there and being advertised on the internet, which is a cause for concern. He is not expecting 40 temporary drugs orders to be implemented to try to tackle them, but that demonstrates the need for us to keep the policy under review.

We have had differences in the past. Under the previous Government, there was some controversy in relation to Professor Nutt, who published opinions that went beyond his remit as chair of the council. More recently, there was the controversy involving Dr Hans-Christian Raabe, who similarly had some strange opinions that were not entirely in keeping with his role on the council. Such controversies indicate that it is right for Parliament to have an opportunity to review the position on drugs regulations and legislation.

Professor Iversen asked for certain measures to be included in the Bill, particularly on the need to consult before a temporary drugs order was imposed, but that is not what the Government intend. They intend to deal with the matter through the protocol. But how can Parliament police the protocol if we do not have an opportunity to discuss how drugs regulation and legislation are operating? A review reported back to Parliament would provide that opportunity. After all, there are areas of public service that we regularly debate in Parliament, and we get an opportunity to review what is taking place.

The hon. Member for Cambridge has also highlighted how the 1971 Act was intended to bring abuse of drugs to an end. Clearly, that has not happened. There is a difference of opinion about whether we should legislate at all. The Under-Secretary was present yesterday for the debate in which my hon. Friend the Member for Newport West (Paul Flynn) expressed some strident views about drugs regulation, and the futility of it, and how it is not had any implications. In Parliament there is a wide range of views on how we should approach drugs regulation and monitor how effective it has been. In his evidence to us, Professor Iversen suggested that, regarding the classification of drugs under categories A, B or C and the recategorisation of cannabis from B to

C, then back from C to B, there was a constant decline in the use of cannabis from 2000, and the change of classification had no impact at all.

There are areas that we need to keep under review and it is right for Parliament to do so. Professor Iversen pointed out that drugs are being manufactured out there that are going straight from the chemistry laboratory to being advertised on the web for people to use. That is a concern, so a review of how the legislation is operating with a report to Parliament would be beneficial.

We should all be grateful to the hon. Member for Cambridge for proposing this probing new clause. It is important that Parliament should have oversight of how things are going with regard both to regulating drugs and how the legislation is being applied, and to the activities of the ACMD and its relationship with the Government. That can be strained at times, as both this Government and the previous Government have experienced, so I will be interested to hear the Minister's response.

The Parliamentary Under-Secretary of State for the Home Department (James Brokenshire): We have a good relationship with the ACMD. As a Minister, I have attended two of their council meetings, which is probably two more than many Ministers have visited the ACMD in years gone by, although I know that some Ministers have done so. It is an important relationship, and I value the advice that the council provides to Government, as reflected in the working protocol that hon. Members have received as part of the Committee's considerations. The way in which we look at that advice underlines the evidence-based approach. I would stress the importance that is placed on such advice and the statements that have been made in the Government's new drug strategy.

It might be helpful if I clarified the purpose of the Misuse of Drugs Act 1971. For four decades, that Act has provided the UK with a coherent legislative framework to meet its international obligations for effective measures to restrict the availability of drugs and their misuse, to protect public health and welfare. In our judgment, it is not in the interests of the UK to challenge its international obligations or to signal its intentions to depart from them.

In the UK, the Misuse of Drugs Act has established a drug classification system based on drug harm, which is well recognised and which provides the criminal justice system with a stable and enduring system that continues to serve its purpose. There is no system of control, or even a system of structuring drug-harm classifications, that is obviously better than the current one. The Misuse of Drugs Act also provides for the independent Advisory Council on the Misuse of Drugs, whose independent expert advisory role to successive UK Governments in shaping the UK's drug policy is widely acknowledged. Its statutory duty is to keep the situation in the UK under examination in respect to drugs, and it advises on measures which ought to be taken to prevent the misuse of drugs.

The impact of domestic and international prohibition policy on levels of consumption and production globally is key in any meaningful assessment and analysis of the 1971 Act. We do not accept that meaningful figures can be ascribed to the likely public and individual health cost or that it is possible to properly assess the impact of drugs on productivity and industry or on industrial or

traffic accidents. Those fundamental difficulties point up the question of whether the task is an appropriate use of research funding. In our judgment, it would not be a proper use of public money. The UK's successive drugs strategies have already provided the opportunity to review periodically and develop our approach to drugs issues on key aspects of this policy area, such as prevention, reducing supply and effective recovery from dependency.

1.45 pm

While the legislation is important, it is only one part of a broad social policy area. To make a comparison with some of the issues that we discussed yesterday, I have to admit that we had slightly more focused discussions on tapentadol and amineptine, but there was still an interesting debate on broader social issues, such as education and public health. Matters need to be viewed in that context, which is why we are developing an evaluation framework to assess the effectiveness and value for money of the current drugs strategy.

We also recognise the multiple aspects of drugs issues and are examining the community reintegration of drug-using offenders, for example, as part of the sentencing review. Proposals to amend the Misuse of Drugs Act focus matters in a slightly narrow way. I accept the point made by my hon. Friend the Member for Cambridge, but the underlying issue is that the area is complex with a number of different factors, and focusing resource attention on a three-yearly review of the Act is perhaps going in the wrong direction.

We prefer to consider the effectiveness of the new drugs strategy and to have a proper framework. In so doing, I hope to promote a debate on drugs policy by looking at the evidence and taking advice from the advisory council. We want to drive the issue forward and deal with the three matters highlighted in the drugs strategy of reducing demand, restricting supply and promoting recovery. I am not seeking to make a direct partisan point, because the mistake has been happening for several years. For too long, we have not focused enough on how we can take people down the path to recovery to lead meaningful lives and be reintegrated into society so that we do not have the revolving door of offending, and all the pressures that that puts on communities and the Government as a whole.

I welcome this small debate, as I welcomed the debate that we had before Christmas on the legalisation of drugs. While I did not agree with the approach that was taken, it is important that we continue to debate such matters, continue to challenge and continue to look at the evidence. That is an approach that I am comfortable in taking, so I hope that, for those reasons, my hon. Friend will seek leave to withdraw the motion.

Dr Huppert: I thank the Minister for his comments as I do the hon. Member for Eltham, who is coming from a similar direction on such issues. I agree that the matter is complex, and I very much welcome the Minister's helpful focus on recovery and treatment. Several countries in Europe treat drugs policy principally as a matter for public health rather than principally a matter for the criminal justice system. That is an interesting balance, and I am delighted that the Government are moving more towards the health-based approach rather than criminalisation. That is excellent.

Drugs policy operates on several levels, from the details of which drugs to classify to how the ACMD works. They are all important, and I am delighted that the Minister has such a good relationship with the ACMD and takes its advice so seriously. However, it is still set in a certain direction. The ACMD is not completely free. It has certain tasks, and its role is to issue advice in that direction. Similarly, the strategy is a wider document. It covers a range of issues, but the approach in the strategy is underpinned by the legislation around it. I hope, at some stage, that that will be looked at, and the Minister will be aware of the serious interest in such matters by Members from all parts of both Houses. Obviously, I shall not press the new clause to a Division. I am sure that the Minister will continue to listen to the voices of those who are interested in such matters. Perhaps at a later stage he will support a similar motion or even propose such a provision himself. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 4

ACCOUNTABILITY OF POLICE

'(1) The local police force must provide a written report to the Local Authority at the end of each levy year where a levy is applied to the local authority area.

(2) The report to be submitted to the local authority within 12 weeks of the end of the levy period.

(3) The report must contain—

(a) details of the amount received through the levy and the amount spent by the police in providing policing in the areas covered by the late-night levy during the hours that it applies, and

(b) details of the impact of the levy on crime and disorder in the area covered by the levy.'—(*Diana Johnson.*)

Brought up, and read the First time.

Diana Johnson (Kingston upon Hull North) (Lab): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 5—*Accountability of licensing authority*—

'(1) The licensing authority must provide a written report to the local authority at the end of each levy year where a levy is applied to the local authority area.

(2) The report to be submitted to the local authority within 12 weeks of the end of the levy period.

(3) The report must contain—

(a) details of the amount received through the levy and the amount spent by the licensing authority in providing services in the areas covered by the late-night levy during the hours that it applies, and

(b) details of the impact of the levy on crime and disorder in the area covered by the levy.'

Diana Johnson: The two new clauses return us to the issue of the late night levy, on which we had a fairly lengthy and at times heated debate.

New clause 4 would require police forces, in areas where the late night levy applies, to provide details of how it has been spent and the amount of additional policing that has been made available in that area, and to report that to the local authority. The report would be a written record that had to be produced each year,

[Diana Johnson]

within 12 weeks of the end of the levy period. It would have to include details of the amounts received through the levy and spent by the police in providing policing, and details on the impact of the levy on crime and disorder in the area covered. That is the purpose of both new clauses. New clause 5 deals with the responsibility that would be placed on the licensing authority, and it is almost a mirror to new clause 4 in that the requirements are identical. The licensing authority would also need to provide a report within the same time scale.

The new clauses are meant to be helpful to the Government, because we know that the coalition is committed to transparency. It wants to open up spending and to ensure that everyone is aware of where every penny is spent. The new clauses fit well with the Government's intended aims. They also fit well with the localism agenda, which we have also referred to at various times in the Committee, and the need for local areas to be clear about what is spent. The Secretary of State for Communities and Local Government might find the new clauses very attractive, given his comments about transparency.

The key issue is accountability. As we know from the previous debate, at the moment a licensing authority has an opportunity to decide whether it wants to have a late night levy in its area. We have discussed how it would cover the whole geographical area of that local authority. Under the proposals set out in the Bill as it is drafted, if a late night levy is taken out by the licensing authority, there is no obligation to ensure that the money raised is spent in that area, or is specifically used to fund additional policing or resources for that area. It almost seems as if the late night levy will go into the general pot of expenditure for the police, the local authorities and other bodies that might be able to access that funding.

The new clauses attempt to achieve transparency, so that people can see how much money is raised by the late night levy. The impact assessment mentions that between £9 million and £15 million might be raised by it. If the new clauses are accepted, a clear figure for that would be identified, as would specific details on how much policing is provided.

I can see the Minister of State looking at me over the top of his glasses. He will recall that we had an interesting discussion about how much additional policing will be provided from the late night levy. In that earlier debate, I requested information about how the 70:30 split specified in the Bill for the distribution of the levy had been arrived at, and what the evidence base was for the decision. We had a rather heated exchange about that, and I am still unclear how the Government reached that formula. It would be helpful if the Minister enlightened us today on that 70:30 split.

The new clauses would allow us to be clear about what the late night levy will deliver for businesses and organisations that will have it imposed on them. How much will the levy deliver for them? How many additional police officers will they see in the area of the levy? How many additional cleaning services, for example, will be provided by the local authority with the money that is allocated to it? Those are the key reasons why the new clauses would be helpful to the Government and to the late night levy. They will provide the transparency that I am sure the coalition wants to see in the Bill.

James Brokenshire: As we enter the final phase of our consideration of the Bill, I will try to be helpful to the hon. Lady and positive towards her approach. Although I absolutely agree with the need for transparency, I hope that I can explain how transparency already operates in this case. Her approach strikes me as bureaucratic, given the measurements, the mechanisms, the reporting and the factors that she has outlined. There is a risk that a chunk of a late night levy would be spent just complying with all the new reporting requirements. I take her principal point on transparency, and I will set out why her approach to the administration of the late night levy is not necessary.

We have discussed police and crime commissioners at great length in Committee. The money given to the police from the late night levy will go into the police fund for the force area, held by the local PCC. The police and crime panel will be able to request any documents of the PCC, such as details of the police fund, that are not operationally sensitive and do not compromise national security. They may be scrutinised publicly, and may include any documents on spending money earned through the late night levy. The ultimate accountability of the PCC will be at the ballot box, where the public will cast judgment on how effective they have been in delivering effective policing. The transparency processes already in place will provide an important check and balance.

The new clauses also reflect concerns regarding licensing accountability: how licensing authorities spend their portion of the levy. Following an announcement by the authority that it intends to adopt the levy, the public will be aware of the proportion of the net revenue that it wishes to retain. It will hold a consultation before adopting the levy.

Steve McCabe (Birmingham, Selly Oak) (Lab): How does the scheme that the Minister describes compare with current procedures for identifying the funding that premier league clubs contribute to the cost of policing for football matches? There must be a precedent for how we do that.

James Brokenshire: I am happy to look into that. I am afraid that I cannot give the hon. Gentleman a ready response, but I am happy to reflect on his interesting point and consider it further. I promise him that I will look into it.

It is important to talk about the consultation that the local authority will undertake before adopting the levy. The consultation will consider the services that the licensing authority intends to provide with the money it shall retain from the levy—all those questions will be consulted on as part of the process. After the consultation, the authority will write to all affected premises to inform them of its final decision. As part of the process of even establishing the levy, the local authority will set out, in quite a lot of detail, the relevant aspects that will sit alongside. Therefore, having a further mechanism would be bureaucratic in a way that the levy was not intended to be; it is intended to be quite speedy and efficient. The consultation process will draw out a lot of the important transparency issues.

2 pm

I do not step back from the principal issue that the hon. Member for Kingston upon Hull North has sought helpfully to highlight. However, there is a process that

will provide an important part of such transparency. The licensing authority, as an integral part of the council, will also be directly accountable to the public for the scrutiny that will be applied. The design of the late night levy is efficient, and light on administration and process. The necessary transparency is adequately provided in the chapter of the Bill under discussion and through the police and crime commissioner.

Diana Johnson: I have listened carefully to the Minister's comments about consultation and transparency, but what about proposed subsection (3)(b), which requires the report to set out details of the impact of the levy? What opportunity will local authorities and police forces have to measure such impact? How does he envisage that happening?

James Brokenshire: That is a powerful exposition of how crime mapping would be a direct method for highlighting and drilling down on policing issues. Transparency will be provided, and police and crime commissioners will be focused on performance and what is happening in their communities. Equally, information will be available to local authorities and their relevant partnerships.

I get the hon. Lady's point about transparency, but we think that it is being addressed in other ways. We will continue, however, to examine and reflect on the need for information to be readily available. I hope that the hon. Lady is assured that we take the matter seriously, and that other measures are available.

Diana Johnson: When late night levies are brought into effect around the country we will certainly want to see how they work and whether they are having that direct impact. On hearing the Minister's comments, however, and his assurance about keeping the matter under review, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 6

LICENSING

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (7).

(2) In section 55(1) (regulations about fees for premises licence applications), for paragraph (b) substitute—

“(b) provide for the amount of the fee to be determined by the relevant licensing authority.”.

(3) In section 55(3) (regulations about annual fees for premises licence holders)—

(a) leave out “include provision prescribing”,

(b) for paragraph (a) substitute—

“(a) provide for the amount of the fee to be determined by the relevant licensing authority.”,

(c) in paragraph (b), at beginning insert “may include provision prescribing”.

(4) After subsection (3) insert—

“(3A) Where regulations made under this section provide for the amount of a fee to be determined by the relevant licensing authority, the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the Regulations,

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the cost of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3B) For the purposes of subsection (3A)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, thinks appropriate.”.

(5) After section 55(4) (recovery of fees relating to premises licences), insert—

“(5) A licensing authority may waive, in whole or in part, and in respect of any case or class of case, any fee prescribed by regulations under this section.”.

(6) After section 100(7) (temporary event notice procedure), insert—

“(7A) A licensing authority may waive, in whole or in part, and in respect of any case or class of case, a fee payable under this section.”.

(7) After section 110 (theft, loss, etc of temporary event notice), insert—

“110A Fees

(1) Regulations which prescribe the fees referred to in section 100(7) and 110(3) may provide for the amount of the fee to be determined by the relevant licensing authority.

(2) Where regulations provide for the amount of a fee to be determined by the relevant licensing authority as mentioned in subsection (1), the authority—

(a) shall determine the amount of the fee,

(b) may determine different amounts for different classes of case specified in the Regulations,

(c) shall publish the amount of the fee as determined from time to time, and

(d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the cost of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

(3) For the purposes of subsection (3) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, thinks appropriate.”.

(8) Regulation 4 of the Licensing Act 2003 (Fees) Regulations 2005 is revoked.”.—(*Diana Johnson.*)

Brought up, and read the First time.

Diana Johnson: I beg to move, That the clause be read a Second time.

The new clause relates to fees that local authorities levy on people who make licensing applications. It is drafted to allow licensing authorities to determine the amount of fee to be paid at a local level. Under the new clause, authorities would be required to publish the amounts of such fees and would need to have regard to any guidance produced by the Secretary of State. The proposal also relates to temporary event notices, on which we have debated amendments at length.

The licensing authority would deal with a licensing application, and the proposal attempts to ensure that the full cost of such applications is recovered by the fees that are charged. The new clause takes account of instances in which local authorities and local licensing committees decide to waive fees in specific circumstances, so it would provide discretion.

[Diana Johnson]

The proposal is all about the localism agenda and the approach, which I understand the coalition Government are taking, to ensure that local authority areas make decisions that best fit their particular needs. When I was thinking about proposing the new clause, I was conscious that local authorities in the country are different, with different experiences of the late-night economy and licensing. Areas such as Camden or Westminster are very different from ones such as Scunthorpe, and they have very different needs.

Returning to the issue, this is about reflecting that and allowing flexibility. I understand that the Government have stated that they are committed to enabling licensing authorities to set licensing fees based on full cost recovery. As the Bill stands, however, there are no new fee structures included in any of the clauses setting out further regulations. That is particularly disappointing given that some of the Bill's proposals will add new burdens on councils. Including a new fees framework in the Bill would be a quick and simple way to bring about the implementation of the localism agenda and of full cost recovery.

In the current economic climate, there is a real imperative to make this important change as soon as possible, bearing in mind the major cuts we are seeing to local authority budgets, with some local authorities facing 28% cuts. A new fees framework would also simplify the need for the late night levy that we have just been discussing and that we debated earlier, as money could be recovered specifically by a local licensing authority in relation to the late night situation in its area. The new clause would provide flexibility and a framework for giving licensing authorities a discretion to set appropriate fees for their area, and to reduce or waive fees for individual premises or events, such as charities or those benefiting from small business rate relief.

Will the Minister consider the precedent on fees at the cost-recovery level, which is set out in the Gambling Act 2005? We have referred to that Act before—it is very helpful, because it is in force and we can see how it is operating. Under the Gambling Act, there is a discretion to set the fee level within nationally set bands. I know that the Department for Culture, Media and Sport have in the past undertaken a high-level review of the premises and licence fees set by licensing authorities in 2007-08. The Department's overall conclusion from that review was that there is no justifiable concern, from either an industry or licensing authority perspective, about the level of the fee maximum set by DCMS. It sounds as though local authorities were acting reasonably within the bands; they were not all rushing to get to the highest possible level.

Secondly, the introduction of the new system appeared to be working well around the country and has produced a good spread of premises-licensing fees among licensing authorities with no obvious systematic setting of fees at the maximum. On that basis and with the experience of the Gambling Act, it is worth considering how the new clause could help the localism agenda that the Government want to promote. It would also help deal with the varying and very difficult circumstances around the country. The new clause is worthy of consideration in relation to the Government's approach to licensing.

James Brokenshire: I broadly agree with the intentions behind the hon. Lady's new clause. As she may know, in my response to the consultation I said:

"We intend to enable licensing authorities to set licensing fees based on full cost recovery".

Since then I have been working closely with colleagues across Government to be sure that we achieve that aim in a way that is fair to all sides. There is widespread agreement that the current fees do not cover the legitimate costs of licensing authorities in discharging their functions under the Licensing Act 2003. Licensing fees have not been increased since the Act came into force. I also agree that setting a fee nationally that meets full cost recovery for authorities throughout the country, despite different costs and circumstances, would be a difficult task that certainly does not fit with the Government's approach to localism. However, at a later stage, I intend to table an amendment introducing locally set fees based on full cost recovery.

Although the new clause has a similar aim to our proposals, it contains some features that we would not wish to pursue. I will explain. First, the new clause enables only some of the fees under the Licensing Act 2003 to be set locally—those relating to premises, licences and temporary event notices. However, fees relating to personal licences and club premises certificates should be set locally as well, because costs for such processes are also subject to local variation and potential deficits against income. To omit them would be inconsistent.

Secondly, the new clause contains no provision to enable constraints to be imposed by the Secretary of State on a licensing authority's ability to set fees. A nationally set cap on fee levels is needed, albeit I acknowledge the hon. Lady's point, and fee payers would be reassured that licensing fees are not a blank cheque. I intend the cap to be set in regulations, after consultation on the appropriate level.

Thirdly, the new clause contains provision for the licensing authorities to waive any fee. Such an unconstrained power would, potentially, not be fair if fees were to be based on cost recovery. That is because the waiver by an authority of one or more fees would mean that it was choosing to incur a cost and recouping it from other fee payers. To illustrate the point, if the authority waived 25% of its fees, hypothetically, it would be clearly inequitable for other fee payers to fund the deficit.

On that basis, I hope that the hon. Lady is reassured that we intend to follow through on our commitments. I recognise the spirit in which she moved the new clause but, given my reassurances and the issues I have raised about it, I ask her to consider withdrawing it, in the knowledge that we are dealing directly with the issue and hope to introduce changes to the Bill later.

Diana Johnson: Local authorities often seem to cross-subsidise certain services with other payments received, so I am not sure I agree with the Minister about waiving fees for licence applications.

Local authorities are now, genuinely, in some difficulty with their budgets, up and down the country, so I understand what the Minister said about returning to the issue shortly. I urge him to do so as quickly as possible, to give some certainty to local authorities and to ensure that whatever regime is brought in will deal with the real problem of the setting of fee levels.

On that basis, I beg to ask leave to withdraw the motion.
Clause, by leave, withdrawn.

New Clause 7

GENERAL DUTIES OF LICENSING AUTHORITIES

(1) The Licensing Act is amended as follows.

(2) In section 4 (General duties of licensing authorities) insert—

“(e) protecting and improving public health”.—(*Diana Johnson.*)

Brought up, and read the First time.

Diana Johnson: Thank you, Mr Coaker—[*Interruption.*] I apologise, Mr Choqe. I think it is because we are on the home straight now and getting a bit demob happy.

The new clause deals with an amendment that we would like to make to the objectives set out in the Licensing Act 2003. As discussed at length in the debate on licensing law, the licensing authorities must always have regard to the licensing objectives set out in the Licensing Act when dealing with licensing applications, renewals or reviews. We have discussed the issue of health and the current view that we ought to have more regard to the health of people in this country, and to the effects that alcohol can have on it. At the moment, our licensing objectives are silent on public health and its promotion.

The new clause would allow a fifth objective within the Licensing Act: to protect and improve public health. That fits well with clause 104, which we discussed right at the beginning of the licensing section, which added primary care trusts and local health boards as responsible authorities, so that they could make their views clear to licensing authorities when deciding on licence applications, renewals and reviews. We debated how difficult that would be, because health was not one of the objectives that must be considered by licensing authorities, yet the PCT and the health board can comment on the other objectives.

2.15 pm

The new clause ties up nicely with clause 104. It makes some sense of the important role that PCTs and local health boards could play. The coalition Government are devolving public health responsibilities to local authorities, so a lot of attention will be paid to this area. People are very concerned about health and alcohol. We only have to look at *The Guardian* to see the headline, “Alcohol policy in tatters as health experts revolt”. We all have an interest in ensuring that we have the best possible policy on alcohol and that we give information and support to people who drink. We also need to take steps to encourage sensible drinking.

The Government’s current position on alcohol is rather confused and muddled. Putting this new clause into the Licensing Act 2003 would send a clear message that the Government are serious about ensuring that licensing authorities take health into consideration when making decisions on applications. That is why we tabled this clause. The Licensing (Scotland) Act 2005 makes health one of the objectives that licensing authorities have to look at. It is interesting to note that Scotland has looked at other issues relating to alcohol and the policies that we ought to pursue. It would send a clear message if the Government were minded to accept the new clause and make health one of the considerations that must be taken into account.

James Brokenshire: It may not surprise the hon. Lady that I do not agree in any way, shape or form with her characterisation of the Government’s approach to alcohol and how we are seeking to bear down on the harms caused by it. Those were, in large measure, caused by the manner in which the previous Government took to this. Our accident and emergency departments and police have to respond to the problems of alcohol. That is why changes to licensing are proposed in this Bill.

On that note of discord, I will seek to strike a note of accord on the importance of public health. We see merit in making health a material consideration under the Licensing Act. I know that it has been customary in other sittings to refer the hon. Lady to the reply I gave her some moments ago, but in this case, it was some days ago. This point came up last Thursday. I said:

“We see some merit in adding prevention of harm to health as a licensing objective, but we want to do it in a considered way, alongside wider work to address the harms of alcohol to health, which is why we indicated in our consultation response that we did not intend to legislate at this stage but would consider the best way to do so in the future.”—[*Official Report, Police Reform and Social Responsibility Public Bill Committee*, 10 February 2011; c. 528.]

I repeat those words because they directly relate to this new clause. It needs careful consideration because, if it was introduced without that care, it might not be applied in a focused manner. One might seek to argue, for example, that because a particular part of a local authority area suffered from high levels of deprivation or health harm, one could apply licensing policy differently there. Is that an appropriate way of doing things? Such issues need to be examined carefully when applying an approach, which we broadly accept and acknowledge. The Government consider the issue to be important, but it needs to be examined more closely in the context of developing public health policy within local authorities.

While I agree with the sentiment behind the new clause—continuing the discussion that we started last Thursday—the Government believe that the issue requires further consideration and work, which we will do. I ask the hon. Lady to withdraw her new clause in the knowledge that the Government are focused on it and seized of it. We are considering it further in the context of promoting public health and addressing the underlying issues and health and social harms that are caused by alcohol.

Diana Johnson: I have listened to the Minister. My big concern is that the Government’s general approach to public health seems to be what is called a “nudge approach”, where people are nudged to do the right thing—

Chris Ruane (Vale of Clwyd) (Lab): And a wink-wink.

Diana Johnson: Indeed. People are being nudged to do the right thing and not drink too much, on the basis that it will all be okay eventually. I worry about that approach. We have seen in recent months and years hard scientific evidence about what can be done to tackle alcohol abuse.

I have heard what the Minister said, and I assume that we will have a further licensing Act or an alcohol Bill at some point, to which we will need to look forward. I am minded to consider returning to the issue on Report because it is genuinely a big issue for the country. On the basis of what the Minister has said and the possibility that I will bring this back on Report, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 10

ALCOHOL MONITORING REQUIREMENT

‘(1) After section 212 of the Criminal Justice Act 2003, insert—

“212A Alcohol monitoring requirement

(1) In this Part ‘alcohol monitoring requirement’, in relation to a relevant order, means a requirement that during a period specified in the order, the offender must—

- (a) not consume alcohol,
- (b) for the purpose of ascertaining whether there is alcohol in the offender’s body, provide samples of such description as may be determined, at such times or in such circumstances as may (subject to the provisions of the order) be determined by the responsible officer or by the person specified as the person to whom the samples are to be provided, and
- (c) pay such amount of no less than £1 and no more than £5 in respect of the costs of taking and analysing the sample as may be specified in the order.

(2) A court may not impose an alcohol monitoring requirement unless—

- (a) it is satisfied that—
 - (i) the offender has a propensity to misuse alcohol and the offender expresses willingness to comply with the alcohol monitoring requirement, or
 - (ii) the misuse by the offender of alcohol caused or contributed to the offence in question, and
- (b) the court has been notified by the Secretary of State that arrangements for implementing the requirement are available in the area proposed to be specified in the order under section 216 (local justice area to be specified in relevant order).

(3) A relevant order imposing an alcohol monitoring requirement must provide that the results of any tests carried out on any samples provided by the offender to the monitoring officer in pursuance of the requirement are to be communicated to the responsible officer.

(4) The Secretary of State may from time to time give guidance about the exercise of the function of making determinations as to the provision of samples pursuant to subsection (1)(b).

(5) The Secretary of State may make rules for all or any of the following purposes:

- (a) regulating the provision of samples pursuant to an alcohol monitoring requirement, including hours of attendance, interval between samples and the keeping of attendance records;
- (b) regulating the provision and carrying on of a facility for the testing of samples;
- (c) determining the maximum and minimum fee that may be specified under subsection (1)(c), and the frequency of such payments;
- (d) regulating the functions of the monitoring officer; and
- (e) making such supplemental, incidental, consequential and transitional provision as the Secretary of State considers necessary or expedient.

(6) In this section, ‘monitoring officer’ means any person, other than the responsible officer, specified in an alcohol monitoring requirement as the person to whom samples must be provided.”.

(2) Schedule (Alcohol monitoring requirement) makes further amendments to the Criminal Justice Act 2003.’.—(*Mr Offord.*)

Brought up, and read the First time.

Mr Matthew Offord (Hendon) (Con): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 11—*Youth rehabilitation orders: alcohol monitoring requirement*

‘(1) In Schedule 1 to the Criminal Justice and Immigration Act 2008, after paragraph 24 insert—

“24A Alcohol monitoring requirement

(1) In this Part “alcohol monitoring requirement”, in relation to a youth rehabilitation order, means a requirement that during a period specified in the order, the offender must—

- (a) not consume alcohol,
- (b) for the purpose of ascertaining whether there is alcohol in the offender’s body, provide samples of such description as may be determined, at such times or in such circumstances as may (subject to the provisions of the order) be determined by the responsible officer or by the person specified as the person to whom the samples are to be provided, and
- (c) pay such amount in respect of the costs of taking and analysing the sample as may be specified in the order.

(2) A court may not impose an alcohol monitoring requirement unless—

- (a) it is satisfied that—
 - (i) the offender has a propensity to misuse alcohol and expresses willingness to comply with the alcohol monitoring requirement, or
 - (ii) the misuse by the offender of alcohol caused or contributed to the offence in question, and
- (b) the court has been notified by the Secretary of State that arrangements for implementing the requirement are available in the local justice area proposed to be specified in the order.

(3) A youth rehabilitation order imposing an alcohol monitoring requirement must provide that the results of any tests carried out on any samples provided by the offender to the monitoring officer in pursuance of the requirement are to be communicated to the responsible officer.

(4) Where the offender has not attained the age of 17, the order must provide for the sample to be provided in the presence of an appropriate adult.

(5) The Secretary of State may from time to time give guidance about the exercise of the function of making determinations as to the provision of samples pursuant to sub-paragraph (1)(b).

(6) The Secretary of State makes rules for all or any of the following purposes:

- (a) regulating the provision of samples pursuant to an alcohol monitoring requirement, including hours of attendance, interval between samples and the keeping of attendance records;
- (b) regulating the provision and carrying on of a facility for the testing of samples;
- (c) determining the maximum and minimum fee that may be specified under sub-paragraph (1)(c), and the frequency of such payments;
- (d) regulating the functions of the monitoring officer; and
- (e) making such supplemental, incidental, consequential and transitional provision as the Secretary of State considers necessary or expedient.

(7) In this paragraph— “appropriate adult” means—

- (a) the offender’s parent or guardian or, if the offender is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,
- (b) a social worker of the local authority, or
- (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed by the police;

“monitoring officer” means any person, other than the responsible officer, specified in an alcohol monitoring requirement as the person to whom samples must be provided.”.

(2) Schedule (Youth rehabilitation orders: alcohol monitoring requirement) makes further amendments to the Criminal Justice and Immigration Act 2008.”.

New schedule 4—*Alcohol monitoring requirement*

1 The Criminal Justice Act 2003 is amended as follows.

2 In section 177 (Community orders)—

(a) in subsection (1), after paragraph (j), insert—

“(ja) an alcohol monitoring requirement (as defined in section 212A),”.

(b) in subsection (2), after paragraph (g), insert “, and

“(h) section 212A(2) (alcohol monitoring requirement).”.

3 In section 182 (Licence conditions)—

(a) in subsection (1), after paragraph (f), insert—

“(fa) an alcohol monitoring requirement (as defined in section 212A),”.

(b) in subsection (2), after paragraph (d), insert “, and

“(e) section 212A(2) (alcohol monitoring requirement).”.

4 In section 185 (Intermittent custody: licence conditions), in subsection (1), after paragraph (d), insert “, and

(a)

“(e) section 212A(2) (alcohol monitoring requirement).”.

5 In section 190 (Imposition of requirements by suspended sentence order)—

(a) in subsection (1), after paragraph (j), insert—

“(ja) an alcohol monitoring requirement (as defined in section 212A),”.

(b) in subsection (2), after paragraph (g), insert “, and

“(h) section 212A(2) (alcohol monitoring requirement).”.

(c) in subsection (4), after “an alcohol treatment requirement”, insert “an alcohol monitoring requirement”.

6 In section 238 (power of court to recommend licence conditions), after subsection (1), insert—

“(1A) That may include a recommendation that the offender should be required to refrain from consuming alcohol, including a requirement that the offender submit to testing.”.

7 In section 250 (Licence conditions), after subsection (2)(b)(ii), insert “, and

(iii) a condition requiring the prisoner to refrain from consuming alcohol, including a requirement that the prisoner must submit to testing.”.

8 (1) Schedule 8 (Breach, revocation or amendment of community order) is amended in accordance with this paragraph.

(2) In paragraph 5 (Duty to give warning), in sub-paragraph (1), after the words “community order”, insert “, other than a community order imposing an alcohol monitoring requirement”.

(3) After paragraph 6, insert—

“Breach of an alcohol monitoring requirement

6A (1) If the responsible officer is of the opinion that the offender has failed without reasonable excuse to comply with an alcohol monitoring requirement the officer may arrest the offender and must cause an information to be laid before a justice of the peace in respect of the failure in question.

(2) In relation to any community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates’ court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.”.

9 (1) Schedule 12 (Breach or amendment of suspended sentence order, and effect of further conviction) is amended in accordance with this paragraph.

(2) In paragraph 4 (Duty to give warning), in sub-paragraph (1), after “a suspended sentence order”, insert “, other than an alcohol monitoring requirement”.

(3) After paragraph 5, insert—

“Breach of an alcohol monitoring requirement

5A (1) If the responsible officer is of the opinion that the offender has failed without reasonable excuse to comply with an alcohol monitoring requirement of a suspended sentence order the officer may arrest the offender and must cause an information to be laid before a justice of the peace in respect of the failure in question.

(2) In relation to any suspended sentence order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates’ court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.”.

10 In Schedule 14 (Persons to whom copies of requirements to be provided in particular cases), after the entry for “an alcohol treatment requirement”, insert—

“An alcohol monitoring requirement Any person specified under section 212A(1).”.

New schedule 5—*Youth Rehabilitation Orders: Alcohol Monitoring Requirement*

1 The Criminal Justice and Immigration Act 2008 is amended as follows.

2 In section 1 (youth rehabilitation orders), after subsection (1)(n), insert—

(n) an alcohol monitoring requirement (see paragraph 24A of that Schedule).”.

3 (1) Schedule 1 (further provision about youth rehabilitation orders) is amended in accordance with this paragraph.

(2) In paragraph 1 (imposition of requirements), after sub-paragraph (k), insert—

(k) paragraph 24A(2) (alcohol monitoring requirements), and”.

(3) In paragraph 34(4) (provision of copies of orders), after the entry for “an intoxicating substance treatment requirement”, insert—

“An alcohol monitoring requirement Any person specified under paragraph 24A(1).”.

4 (1) Schedule 2 (breach, revocation or amendment of youth rehabilitation orders) is amended in accordance with this paragraph.

(2) In paragraph 3(1) (duty to give warning), after “youth rehabilitation order”, insert “, other than an order imposing an alcohol monitoring requirement.”.

(3) After paragraph 4, insert—

“Breach of an alcohol monitoring requirement

4A If the responsible officer is of the opinion that the offender has failed without reasonable excuse to comply with an alcohol monitoring requirement the officer may arrest the offender and must cause an information to be laid before a justice of the peace in respect of that failure.

(4) In paragraph 21(1) (warrants) after “by virtue of this Schedule”, insert “or under paragraph 4A”.

Mr Offord: I tabled the new clauses and new schedules to introduce a pilot compulsory sobriety scheme in London. They would introduce a new sentencing power through an alcohol monitoring requirement—AMR. The new power would allow courts to impose a requirement on an offender to abstain from alcohol and be regularly tested to ensure compliance as part of any community or custodial sentence. If the offender failed the test, there would be a quick and coherent process of apprehension—immediate arrest, a night in a police cell and reappearance at a magistrates court.

The new clauses and new schedules are compatible with the scope of the Bill, as they would provide the courts with additional powers on alcohol-related behaviour to complement those of police and licensing authorities. They are also consistent with the objectives of the Bill.

[Mr Offord]

The AMR would ensure that alcohol-related violence was tackled not only at the point of sale and supply, but by changing behaviour through clearer punishments.

London experiences disproportionate levels of alcohol-related crime compared with the rest of the country. That poses a huge threat not only to the safety of Londoners but to their general well-being, especially for those who live and work in boroughs with prominent town centres. It also has huge cost implications for the Metropolitan Police Service, the NHS and borough budgets, diverting increasingly scarce resources away from those with genuine need. Although several sentencing powers and penalties are currently available, alcohol-related crimes remain a huge problem and the number of alcohol-related hospital admissions is increasing. The alcohol monitoring requirement could result in rehabilitation for the individual, reductions in repeat offending and the use of custodial sanctions and, most important, a wider impact on society as it would reaffirm that alcohol is not an excuse for criminal behaviour.

The consumption of alcohol aggravates and perpetuates many forms of crime. The proposal could be taken further and used to address town centre violence. A compulsory sobriety scheme could offer support in many cases of violence against women and girls, especially domestic violence. Based on keeping the offender at home with a family and in employment, such a scheme could work in relevant cases, and might go some way to improve conviction rates, where victims are concerned about their partner or the father of their child going to prison. It would also be beneficial on the release of an offender.

To sum up, the three objectives of the alcohol monitoring requirement are to reduce the number of alcohol-related incidents, especially violent incidents; to reduce the cost of alcohol-related crime to statutory services, including police, health and local authorities; and to support a long-term shift in public attitudes to the use of alcohol by making a clear statement about the acceptability of behaviour surrounding alcohol consumption, supported by clear consequences.

Dr Huppert: Would the sobriety test be something that someone could opt to have as part of the requirement or would it be imposed on them without their agreement? Would it be tied up with rehabilitation processes?

Mr Offord: I hope that the legislation makes it clear that the test would not be foisted on any individual. An individual would have to accept the requirement to undertake the sobriety test. It would not be compatible with someone who had alcohol problems; that would simply be a waste of time. But it would be enforceable on an individual for whom alcohol played a significant part in their behaviour, especially in domestic violence and other alcohol-related crimes.

Diana Johnson: Will the hon. Gentleman reassure me on my understanding of the new clauses? First, do they limit the conditions that already exist on the use of alcohol treatment orders—that is my reading of the conditions set out in the new clauses? Secondly, I note that the Government are consulting on rehabilitative outcomes at the moment. Earlier in the month, the Minister talked about what outcomes would be useful,

and how we should look at dealing with alcohol and drug misuse. Is the proposal not putting the cart before the horse? Will it not be better to wait and see what the Government's consultation comes up with, and how that might fit with any amendments?

James Brokenshire: I congratulate my hon. Friend the Member for Hendon and the deputy Mayor of London on introducing the proposal for a sobriety scheme. The Government certainly support new and innovative ways of tackling alcohol-related crime and disorder. I have met the deputy Mayor to hear more about that proposal, and the issues associated with applying a South Dakota-type scheme under our law. Officials from my Department and the Ministry of Justice will continue to meet him to explore his suggestion, because we want to encourage local initiatives and to work with local agencies and the Mayor's office to develop policy proposals in more detail.

It will be important to develop a clear business case for the proposal, and to ensure that it is targeted, effective and affordable. We will then consider how the aims of such a scheme might be accommodated into sentencing legislation, ensuring it is proportionate and fits with British structures. So we will continue to discuss with the Mayor's office the benefits and best practice of the scheme which has operated in South Dakota, recognising that there are differences between the American and British legal systems. We will therefore consider how a sobriety regime could be instituted here and what benefits it might provide.

2.30 pm

I do not propose to comment in detail on the new clauses that my hon. Friend has tabled. Suffice it to say that some issues of detail will need to be examined. There will need to be a detailed examination of the cost benefits and establishing how the proposals will fit within the criminal justice system and the practical operation.

This is an interesting proposal that deserves further consideration as part of our approach to alcohol-related crime and breaking the patterns of offending. So we will keep this issue under review, and I will continue discussions with Kit Malthouse, the deputy Mayor and his team. We will examine the proposals in further detail and how the pilot might be operated.

I am sympathetic to the objectives of the proposal and, with the assurance that I have given to my hon. Friend the Member for Hendon that we will continue that discussion, analysis and examination, I hope he will withdraw the new clause. I thank him for raising this important issue this afternoon. As this will probably be my last contribution to the debate in Committee on this Bill—I am sure everyone will be most grateful for that—I thank Committee members for their contributions and for the constructive manner in which Opposition spokesmen have raised a number of points to improve the Bill. We look forward to continuing to engage with them in a constructive way as we move forward with the Bill.

Mr Offord: I hear what hon. Members have said on both sides of the debate, especially the hon. Member for Kingston upon Hull North. I do not see AMRs as a

replacement for drug treatment orders; I see them as being in addition, and in addition to some of the other sentences that are available to the courts and also to the prosecution service.

The AMR could work as part of a suspended sentence as an alternative to incarceration, or as part of a community sentence. It could be a useful tool to focus on the violence against the person and criminal damage which have been seen in many of our town centres and local communities.

In addition, I would like to see the scheme used in conjunction with other legislation for young people. It could be integrated into the intensive surveillance and support order, which is already available to the court as part of the youth referral order.

I am grateful for my hon. Friend the Minister's comments. I believe that this is a good proposal. Perhaps it is not appropriate for this Bill. I will look for alternative legislation in which we can take it forward. I would therefore like to withdraw the motion.

Clause, by leave, withdrawn.

New Schedule 3

POLICE REFORM: MINOR AND CONSEQUENTIAL AMENDMENTS

PART

POLICE ACT 1996

1 The Police Act 1996 is amended in accordance with this Part.

2 For the italic cross-heading before section 1 substitute—

“Police areas and police forces”

3 Omit the italic cross-heading before section 2.

4 (1) Section 2 (maintenance of police forces) is amended in accordance with this paragraph.

(2) The existing provision of section 2 becomes subsection (1) of that section.

(3) After that subsection, insert—

“(2) For further provision about the maintenance of those police forces, see Chapter 1 of Part 1 of the Police Reform and Social Responsibility Act 2011.”.

5 Omit—

(a) sections 3 to 5, and

(b) the italic cross-heading before section 5A.

6 (1) Section 5A (maintenance of the metropolitan police force) is amended in accordance with this paragraph.

(2) The existing provision of section 5A becomes subsection (1) of that section.

(3) After that subsection, insert—

“(2) For further provision about the maintenance of the metropolitan police force, see Chapter 2 of Part 1 of the Police Reform and Social Responsibility Act 2011.”.

7 Omit sections 5B to 6.

8 Before section 6ZA insert the following cross-heading—

“The City of London”.

9 After that cross-heading insert—

“6AZA Common Council to remain police authority for City

(none) The Common Council of the City of London is to continue to be the police authority for the City of London police area.”.

10 (1) Section 6ZA (power to confer particular functions on police authorities) is amended in accordance with this paragraph.

(2) In the title, for “” substitute “”.

(3) In subsection (1), for “police authorities” substitute “the Common Council”.

(4) In subsection (2)—

(a) for “a police authority” substitute “the Common Council”;

(b) for “police force maintained for its area” substitute “the City of London police force”;

(c) for “the authority” substitute “the Common Council”.

(5) In subsection (3), for paragraphs (a) and (b) substitute—

“(a) the Common Council,

(b) the Commissioner of Police for the City of London, and”.

(6) Omit subsection (4).

11 (1) Section 6ZB (plans by police authorities) is amended in accordance with this paragraph.

(2) In the title, for “” substitute “”.

(3) In subsection (1)—

(a) for “every police authority” substitute “the Common Council”;

(b) for “the authority’s” substitute “the Common Council’s”;

(c) for “its area” substitute “the City of London police area, and for the discharge by the City of London Police of its national or international functions”.

(4) In subsection (3)—

(a) for “a police authority” substitute “the Common Council”;

(b) for “relevant chief officer of police” substitute “Commissioner of Police for the City of London”;

(c) for “the authority” substitute “the Common Council”.

(5) In subsection (4)—

(a) for “a police authority” substitute “the Common Council”;

(b) for “relevant chief officer of police” (in the first place) substitute “Commissioner of Police for the City of London”;

(c) for “authority for” substitute “Common Council for”;

(d) for “Authority shall” substitute “Common Council shall”;

(e) for “relevant chief officer of police” (in the second place) substitute “Commissioner of Police for the City of London”.

(6) In subsection (8), for paragraphs (a) and (b) substitute—

“(a) the Common Council,

(b) the Commissioner of Police for the City of London, and”.

(7) Omit subsection (9).

(8) Omit subsection (11).

12 (1) Section 6ZC (reports by police authorities) is amended in accordance with this paragraph.

(2) In the title, for “” substitute “”.

(3) In subsection (1)—

(a) for “police authorities” substitute “the Common Council”;

(b) for “policing of their areas” substitute “discharge of the Common Council’s functions”.

(4) In subsection (3), for paragraphs (a) and (b) substitute—

“(a) the Common Council,

(b) the Commissioner of Police for the City of London, and”.

(5) Omit subsection (4).

13 Omit sections 8A to 9G.

14 Before section 9H insert—

“Police ranks”.

15 Omit sections 10 to 12A.

16 Omit sections 14 to 17.

17 Before section 18 insert—

“City of London”.

18 (1) Section 18 (supply of goods and services) is amended in accordance with this paragraph.

(2) In subsection (1), omit paragraph (a).

(3) In subsection (1)(b)—

(a) for “shall also apply with that modification” substitute “shall”;

(b) at the end insert “, apply with the modification set out in subsection (2)”.

(4) In subsection (3)—

(a) for “A police authority” substitute “The Common Council in its capacity as police authority”;

(b) for “another police authority” substitute “another local policing body”;

(c) for “a police authority collaboration agreement” substitute “force collaboration provision in a collaboration agreement”.

19 Omit sections 19 to 21

20 Omit the heading “General provisions” before section 22.

21 (1) Section 22 (reports by chief constables to police authorities) is amended as follows.

(2) In subsection (1)—

(a) for “Every chief officer of police of a police force” substitute “The Commissioner of Police for the City of London”;

(b) for “police authority” substitute “Common Council”;

(c) for the words from “the area” to “maintained” substitute “the City of London police area”.

(3) In subsection (2), for “A chief officer” substitute “The chief constable”.

(4) In subsection (3)—

(a) for “The chief officer of police of a police force” substitute “The Commissioner of Police for the City of London”;

(b) for “police authority” substitute “Common Council”;

(c) for “that authority” substitute “the Common Council”;

(d) for “area for which the force is maintained” substitute “City of London police area”.

(5) In subsection (4), for “police authority” substitute “Common Council”.

(6) In subsection (5)—

(a) for “chief officer” substitute “Commissioner of Police for the City of London”;

(b) for “police authority” substitute “Common Council”;

(c) for “that authority” substitute “the Common Council”.

(7) In subsection (6)—

(a) for “police authority” substitute “Common Council”;

(b) for “the authority” substitute “the Common Council”.

22 After section 22 insert the following cross-heading—

“General provisions”.

23 (1) Section 24 (aid of one police force by another) is amended as follows.

(2) In subsection (3), for “sections 9A and 10(1)” substitute “sections 2 and 4 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”)”.

(3) For subsection (3A) substitute—

“(3A) While a member of the civilian staff of a police force maintained under section 2, or a member of the civilian staff of the metropolitan police force, is provided under this section for

the assistance of another police force, that member of staff is, notwithstanding section 2 or 4 of the 2011 Act, under the direction and control of the chief officer of police of that other force.”.

(4) In subsection (4)—

(a) for “police authority” (in both places) substitute “local policing body”;

(b) for “those authorities” substitute “those bodies”;

(c) for “police authorities” substitute “local policing bodies”.

(5) In subsection (4A)—

(a) for “police authority” substitute “local policing body”;

(b) for “section 10(1)” substitute “sections 2 and 4 of the 2011 Act”.

24 In section 25(1) (provision of special services)—

(a) for “police authority” substitute “local policing body”;

(b) for “that authority” substitute “that body”.

25 (1) Section 26 (provision of advice and assistance to international organisations etc) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) for “police authority” substitute “local policing body”;

(b) for “the authority” substitute “the body”.

(3) In subsection (2)—

(a) for “police authority” substitute “local policing body”;

(b) for “the authority” substitute “the body”.

(4) In subsections (5) and (6), for “police authority” substitute “local policing body”.

26 In section 27 (special constables), in subsection (2), for “police force collaboration agreement” substitute “collaboration agreement”.

27 In section 28 (police cadets), in subsection (3)—

(a) for “Without prejudice to subsection (2)” substitute “Accordingly”;

(b) for “the police authority that maintains a police force” substitute “the chief officer of a police force”.

28 (1) Section 30 (jurisdiction of constables) is amended in accordance with this paragraph.

(2) In subsection (3A)—

(a) for “section 24” substitute “section 22A”;

(b) for “police authority” substitute “local policing body”.

(3) In subsection (3B), for “police force collaboration agreement under section 23” substitute “collaboration agreement under section 22A”.

29 For section 31 (rewards for diligence) substitute—

“31 Rewards for diligence

(1) The chief constable of a police force maintained under section 2 may grant to members of that police force rewards for exceptional diligence or other specially meritorious conduct.

(2) The Commissioner of Police of the Metropolis may grant to members of the metropolitan police force rewards for exceptional diligence or other specially meritorious conduct.

(3) The Common Council may, on the recommendation of the Commissioner of Police for the City of London, grant out of the City of London police fund to members of the City of London police force rewards for exceptional diligence or other specially meritorious conduct.”.

30 In section 32 (power to alter police areas by order), in subsection (3)(a), for “police authority” substitute “local policing body”.

31 In section 33 (objections to alterations proposed by Secretary of State), in subsection (1)(a), for “police authority” substitute “local policing body”.

32 In section 34 (orders altering police areas: supplementary provision), omit subsection (1)(a).

33 (1) Section 39A (codes of practice for chief officers) is amended as follows.

- (2) Omit subsection (3).
- (3) In subsection (4)—
- (a) for the words from “preparing” to “Agency” substitute “issuing or revising such a code, the Secretary of State”;
- (b) for paragraph (a) substitute—
- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- “(aa) the Mayor’s Office for Policing and Crime;
- (ab) the Common Council;”;
- (c) for “it” substitute “the Secretary of State”.
- 34 (1) Section 42A is amended in accordance with this paragraph.
- (2) In the title, for “” substitute “”.
- (3) In subsection (1), omit “9E, 11 or”.
- (4) In subsection (2), for paragraph (a) substitute—
- “(a) the Mayor’s Office for Policing and Crime;”.
- 35 In section 50 (regulations for police forces), in subsection (4)(a), for “police authorities” substitute “local policing bodies”.
- 36 In section 51 (regulations for special constables), in subsection (3A)(a), for “police authorities” substitute “local policing bodies”.
- 37 In section 52 (regulations for police cadets), in subsection (1A)(a), for “police authorities” substitute “local policing bodies”.
- 38 (1) Section 53A (regulation of procedures and practices) is amended in accordance with this paragraph.
- (2) In subsection (2), omit paragraph (b) (and the word “and” at the end of paragraph (a)).
- (3) In subsection (3), for paragraph (a) substitute—
- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- “(aa) the Mayor’s Office for Policing and Crime;
- (ab) the Common Council;”.
- (4) Omit subsection (5).
- (5) In subsection (6), omit paragraph (a).
- 39 (1) Section 57 (common services) is amended in accordance with this paragraph.
- (2) In subsection (4), for paragraph (a) substitute—
- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
- “(aa) the Mayor’s Office for Policing and Crime,
- (ab) the Common Council;”.
- (3) Omit subsections (5) and (6).
- 40 In section 60 (regulations for Police Federations), in subsection (2)—
- (a) in paragraph (c), after “Federations to” insert “local policing bodies;”;
- (b) in paragraph (d), after “provided by” insert “local policing bodies or”.
- 41 In section 63 (Police Advisory Boards for England and Wales and for Scotland), in subsection (2), after “interests” insert “of local policing bodies;”.
- 42 In section 84 (representation etc at disciplinary and other proceedings), in the definition of “relevant authority” in subsection (4)—
- (a) in paragraph (a), for “a senior officer” substitute “the chief officer of police”;
- (b) in paragraph (b), for “a senior officer, the police authority” substitute “the chief officer of police, the local policing body”.
- 43 In section 87 (guidance concerning disciplinary proceedings etc), in subsection (1)—
- (a) for paragraph (a) substitute—
- “(a) local policing bodies;”;
- (b) for paragraph (e), substitute—

“(e) members of the civilian staff of a police force, including the metropolitan police force, (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011.”.

44 (1) Section 88 (liability of wrongful acts of constables) is amended in accordance with this paragraph.

(2) In subsections (2)(b) and (4), for “police authority” substitute “local policing body”.

(3) In subsection (5)—

(a) in paragraph (a), for “police authority” substitute “local policing body”;

(b) in paragraph (c), for “authority’s” substitute “local policing body’s”.

(4) In subsection (5A), for “police authority” (in each place) substitute “local policing body”.

(5) In subsection (6), for “police authority” (in each place) substitute “local policing body”.

45 In section 93 (acceptance of gifts or loans), in subsection (1), for “the authority” substitute “the body”.

46 In section 97 (police officers engaged on service outside their force), in subsection (2), for “police authority” (in each place) substitute “local policing body”.

47 (1) Section 98 (cross-border aid of one police force by another) is amended in accordance with this paragraph.

(2) In subsection (6)—

(a) for “police authority” (in each place) substitute “local policing body”;

(b) for “those authorities” substitute “those bodies”;

(c) for “police authorities” substitute “local policing bodies”.

(3) Before subsection (7) insert—

“(6B) In this section “local policing body” includes—

(a) a police authority in Scotland, and

(b) the Northern Ireland Policing Board.”.

48 Omit Schedules 2 and 2A.

49 (1) Schedule 6 (appeals to Police Appeals Tribunals) is amended in accordance with this paragraph.

(2) In paragraph 2(1)—

(a) for “four members” substitute “three members”;

(b) for “relevant police authority” (in the first place) substitute “relevant local policing body”;

(c) in sub-paragraph (b), at the end insert “and”;

(d) omit sub-paragraph (c).

(3) In paragraph 9, for “relevant police authority” (in each place) substitute “relevant local policing body”.

(4) In paragraph 10(b), for “relevant police authority” means the police authority” substitute “relevant local policing body” means the local policing body”.

PART

GREATER LONDON AUTHORITY ACT 1999

50 The Greater London Authority Act 1999 is amended in accordance with this Part.

51 In section 45 (Mayor’s periodic report to Assembly), in subsection (7)(b), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

52 In section 54 (discharge of functions by committees or single members), omit subsection (6).

53 In section 61 (power to require attendance at Assembly meetings), in subsection (12), omit paragraph (a).

54 In section 86 (provisions supplemental to section 85), in subsection (2), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

55 (1) Section 90 (the special item for the purposes of section 89) is amended as follows.

(2) In subsection (1), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

(3) In subsection (2)—

(a) for “Metropolitan Police Authority” (in each place) substitute “Mayor’s Office for Policing and Crime”;

(b) in paragraph (b), for “that Authority” substitute “that Office”.

56 In section 389 (the Superannuation Act 1972), in subsection (1)(d), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

57 In section 404 (discrimination), in subsection (1)(b), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

58 In section 408 (transfers of property, rights or liabilities), in subsection (2), for paragraph (f) substitute—

“(f) a police and crime commissioner;”.

59 In section 411 (pensions), omit subsection (9).

60 In section 419 (taxation), in subsection (1)(b), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

61 In Schedule 4 (exercise of functions during vacancy or temporary incapacity of Mayor), omit—

(a) paragraph 9, and

(b) paragraph 17.

PART

OTHER ENACTMENTS

Tramways Act 1870

62 In the Tramways Act 1870, in the heading of section 61 (power for local or police authorities to regulate traffic in roads), for “local or police authorities” substitute “local authorities and police”.

Riot (Damages) Act 1886

63 In the Riot (Damages) Act 1886, in section 9 (definitions), in paragraph (c) of the definition of “compensation authority”, for “police authority” substitute “local policing body”.

Police (Property) Act 1897

64 (1) In the Police (Property) Act 1897, section 2 (regulations with respect to unclaimed property in possession of police) is amended as follows.

(2) In subsection (2A)—

(a) for “relevant authority” (in each place) substitute “relevant body”;

(b) in paragraph (d), for “the authority” substitute “the relevant body”.

(3) In subsection (2B)—

(a) for “relevant authority” substitute “relevant body”;

(b) for “police authority” substitute “local policing body”.

Licensing Act 1902

65 In the Licensing Act 1902, in section 6 (prohibition on sale of liquor to persons declared to be habitual drunkards), for “police authority” (in each place) substitute “local policing body”.

Local Government (Emergency Provisions) Act 1916

66 In the Local Government (Emergency Provisions) Act 1916, in section 21 (interpretation), after “Provided that where any such authority is” insert “a local policing body or”.

Police, Factories, &c (Miscellaneous Provisions) Act 1916

67 (1) In the Police, Factories, &c (Miscellaneous Provisions) Act 1916, section 5 (regulation of street collections) is amended as follows.

(2) In subsection (1A), for paragraph (b) substitute—

“(b) the Mayor’s Office for Policing and Crime, and”.

(3) In subsection (2)(b), for “a police authority” substitute “the Mayor’s Office for Policing and Crime”.

Children and Young Persons Act 1933

68 The Children and Young Persons Act 1933 is amended as follows.

69 In section 7 (sale of tobacco, etc, to persons under 18), in subsection (3), for “police authority” substitute “local policing body”.

70 In section 12 (failing to provide for safety of children at entertainments), in subsection (5)(b), for “police authority” substitute “chief officer of police”.

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

71 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.

72 In section 18 (protection of tenure, in connection with employment, under a licence or a rent-free letting, by extension of the Rent Acts), in subsection (6)—

(a) after “either by the” insert “relevant local policing body or”;

(b) for “that authority” substitute “that body or authority”.

73 In section 20 (modifications of Rent Acts as respects occupation by employees), in subsection (3)(b), after “required by the” insert “relevant local policing body or”.

74 In section 23 (interpretation of Part 2), in subsection (1), in the definition of “relevant police authority”—

(a) for ““relevant police authority”” substitute ““relevant local policing body” or “relevant police authority””;

(b) for “the police authority” substitute “the local policing body or the police authority”.

75 In Schedule 2 (capacities in respect of which payments may be made under Part 5, and paying authorities), in Part 1, in the second column of entry number 4, at the beginning insert “The local policing body or”.

Town and Country Planning Act 1959

76 In the Town and Country Planning Act 1959, in Part 1 of Schedule 4 (authorities in England and Wales to whom Part 2 applies), omit paragraph 8.

Land Compensation Act 1961

77 In the Land Compensation Act 1961, in section 29 (interpretation of Part 4), in the definition of “local authority” in subsection (1), in paragraph (a) omit “, or a combined police authority”.

Trustee Investments Act 1961

78 The Trustee Investments Act 1961 is amended as follows.

79 In section 11 (Local Authority investment schemes), in subsection (4)(a), for the words from “police authority” to “1996” substitute “police and crime commissioner”.

80 In Schedule 1 (manner of investment), in Part 2 (narrower-range of investments requiring advice), in paragraph 9, for paragraph (d) substitute—

(d) a police and crime commissioner;”.

Local Government (Records) Act 1962

81 The Local Government (Records) Act 1962 is amended as follows.

82 In section 2 (acquisition and deposit of records), in subsection (6), omit the words from “to a police authority” to “Metropolitan Police Authority;”.

83 In section 8 (interpretation), in subsection (1), omit the words from “a police authority” to “Metropolitan Police Authority;”.

Pipe-lines Act 1962

84 In the Pipe-lines Act 1962, in section 37 (fire brigades, police etc to be notified of certain pipe-line accidents and to be furnished with information), in subsections (1)(a) and (2)(a), after “rescue authority” insert “, local policing body”.

Offices, Shops and Railway Premises Act 1963

85 In the Offices, Shops and Railway Premises Act 1963, in section 90 (interpretation), in subsection (4)(c), after “maintained by” insert “a local policing body or”.

Local Government Act 1966

86 In the Local Government Act 1966, in section 11 (grants for certain expenditure due to ethnic minority population), in subsection (2) for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Leasehold Reform Act 1967

87 (1) In the Leasehold Reform Act 1967, section 28 (retention or resumption of land required for public purposes) is amended in accordance with this paragraph.

(2) In subsection (5)(a), for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner and the Mayor’s Office for Policing and Crime”.

(3) In subsection (6), omit the second paragraph (a) (which appears after “However—”).

Superannuation (Miscellaneous Provisions) Act 1967

88 The Superannuation (Miscellaneous Provisions) Act 1967 is amended as follows.

89 (1) Section 11 (pensions of certain persons transferring to different employment) is amended in accordance with this paragraph.

(2) In subsection (8), for “police authority” substitute “police pension authority”.

(3) After subsection (8) insert—

“(9) In this section “police pension authority” means—

- (a) the chief constable of any police force maintained under section 2 of the Police Act 1996;
- (b) the Commissioner of Police of the Metropolis;
- (c) the Common Council of the City of London in its capacity as a police authority; and
- (d) any police authority within the meaning of the Police (Scotland) Act 1967.”.

90 (1) Section 15 (superannuation of metropolitan civil staffs) is amended in accordance with this paragraph.

(2) In subsection (1), in paragraph (a)(i), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime or the Commissioner of Police of the Metropolis”.

(3) For subsection (2) substitute—

“(2) The Mayor’s Office for Policing and Crime shall have power to grant pensions or other benefits to or in respect of persons who are members of the metropolitan civil staffs by virtue of employment by that Office.

(2ZA) The Commissioner of Police of the Metropolis shall have power to grant pensions or other benefits to or in respect of persons who are members of the metropolitan civil staffs by virtue of employment by the Commissioner.”.

(4) In subsection (2A)—

- (a) for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime, and the Commissioner of Police of the Metropolis.”;
- (b) for “it” substitute “that Office or Commissioner”.

(5) In subsection (6), for “and with the Metropolitan Police Authority” substitute “with the Mayor’s Office for Policing and Crime, and with the Commissioner of Police of the Metropolis”.

(6) In subsection (7), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime or the Commissioner of Police of the Metropolis”.

Firearms Act 1968

91 The Firearms Act 1968 is amended as follows.

92 In section 54 (application of Parts 1 and 2 to Crown servants), for subsection (3)(b) substitute—

“(b) a civilian officer, or”.

93 In section 57 (interpretation), in subsection (4), for the definition of “civilian officer” substitute—

““civilian officer” means—

- (a) as respects England and Wales—
- (b) as respects Scotland, a person employed by a police authority who is under the direction and control of a chief officer of police.”.

Employers’ Liability (Compulsory Insurance) Act 1969

94 In the Employers’ Liability (Compulsory Insurance) Act 1969, in section 3 (employers exempted from insurance), in subsection (2)(b), for “and any police authority” substitute “, any local policing body,

any chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, and the Commissioner of Police of the Metropolis”.

Local Government Grants (Social Need) Act 1969

95 In the Local Government Grants (Social Need) Act 1969, in section 1 (provision of grants), in subsection (3), for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Local Authorities (Goods and Services) Act 1970

96 In the Local Authorities (Goods and Services) Act 1970, in section 1 (supply of goods and services by local authorities), in the definition of “public body” in subsection (4), for the words from “police authority” to “1996” substitute “police and crime commissioner”.

Pensions (Increase) Act 1971

97 The Pensions (Increase) Act 1971 is amended as follows.

98 In Schedule 2 (official pensions), Part 2 (pensions out of local funds) is amended in accordance with paragraphs 99 and 100.

99 (1) Paragraph 51 is amended in accordance with this paragraph.

(2) For “police authority” (in the first place) substitute “local policing body or a chief officer of police”.

(3) In sub-paragraph (a), for “such a police authority; or” substitute “a police authority;”.

(4) After sub-paragraph (a), insert—

- (a) service as a member of staff of a police and crime commissioner;
- (a) service as a member of staff of the Mayor’s Office for Policing and Crime;
- (a) service as a member of the civilian staff of a police force; or”.

(5) In paragraph (b), for “by such a” substitute “by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, by the Commissioner of Police of the Metropolis or by a”.

(6) After paragraph (b) insert—

“(none) “In this paragraph—

- (a) references to the staff of a police and crime commissioner, the staff of the Mayor’s Office for Policing and Crime, and the civilian staff of a police force, have the same meanings as in Part 1 of the Police Reform and Social Responsibility Act 2011;
- (b) “police force” includes the metropolitan police force.”.

100 In paragraph 52, after “A pension payable by” insert “a police and crime commissioner, the Mayor’s Office for Policing and Crime, a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, the Commissioner of Police of the Metropolis or”.

101 In Schedule 6 (employments relevant to section 13(2)(a)), in sub-paragraph (c)—

- (a) after “Metropolitan Police Authority” insert “or the Mayor’s Office for Policing and Crime”;
- (b) after “employment” insert “before the repeal of section 14(4) of the Police Act 1996”;
- (c) after “Fund” insert “or employment after that repeal”.

Local Government Act 1972

102 The Local Government Act 1972 is amended as follows.

103 In section 60 (procedure for reviews), in subsection (2)(a)(i) and (c) and subsection (5)(b), for “police authority” substitute “police and crime commissioner”.

104 In section 98 (interpretation of sections 95 and 97), in subsection (1A) omit the words from “and a police authority” to “Metropolitan Police Authority”.

105 In section 99 (meetings and proceedings of local authorities), omit the words from “police authorities” to “Metropolitan Police Authority;”.

106 (1) Section 100J (application to new authorities, Common Council, etc) is amended in accordance with this paragraph.

- (2) In subsection (1), omit paragraphs (e) and (eza).
- (3) In subsection (3), omit “, (e), (eza)”.
- (4) In subsection (4)(a)—
- after “economic prosperity board,” insert “or”;
 - omit the words from “or a police authority” to “Metropolitan Police Authority”.

107 In section 101 (arrangements for discharge of functions by local authorities), in subsection (13) omit “except a police authority”.

108 (1) Section 107 (application of foregoing provisions to police authorities) is amended as follows.

(2) In the title, for “” substitute “”.

(3) For subsection (1) substitute—

“(1) In their application to the Common Council as police authority, sections 101 to 106 shall have effect subject to the following provisions of this section (and in those provisions references to the Common Council are references to the Council as police authority).”.

(4) In subsection (2)—

- for “A police authority” substitute “The Common Council”;
- for “another police authority” substitute “another local policing body”;
- for “a police authority” substitute “the Common Council”.

(5) In subsection (3)—

- for “a police authority” substitute “the Common Council”;
- for the words from “by” to the end substitute “by the Common Council”.

(6) In subsection (3A)—

- for “a police authority” substitute “the Common Council”;
- for “the authority” substitute “the Common Council”;
- for “the authority’s” substitute “the Common Council’s”.

(7) In subsection (3B)—

- for “a police authority” substitute “the Common Council”;
- for “that authority” substitute “the Common Council”.

(8) In subsection (4)—

- for “a police authority” substitute “the Common Council”;
- for “the authority” substitute “the Common Council”.

(9) In subsection (4A)(c), for “a police authority” substitute “the Common Council”.

(10) In subsection (5), for “a police authority” substitute “the Common Council”.

(11) Omit subsection (7).

(12) In subsection (8)—

- for “a police authority” substitute “the Common Council”;
- for “any such authority or authorities” substitute “the Common Council”;
- for the words from “by” to the end, substitute “by the Common Council”.

109 (1) Section 146A (Joint Authorities) is amended in accordance with this paragraph.

(2) In subsection (1)—

- after “joint waste authority,” insert “and”;
- omit the words from “a police authority” to “Metropolitan Police Authority”.

(3) Omit subsections (1A) to (1C).

110 In section 223 (appearance of local authorities in legal proceedings), in subsection (2), for the words from “police authority”

to “Metropolitan Police Authority” substitute “police and crime commissioner and the Mayor’s Office for Policing and Crime”.

111 In section 228 (inspection of documents), in subsection (7A)—

- after “economic prosperity board,” insert “or”;
- omit the words from “or a police authority” to “Metropolitan Police Authority”.

112 In section 229 (photographic copies of documents), in subsection (8), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.

113 In section 231 (service of notices on local authorities, etc), in subsection (4), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.

114 In section 232 (public notices), in subsection (1A), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.

115 In section 233 (service of notices by local authorities), in subsection (11), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.

116 In section 234 (authentication of documents), in subsection (4), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.

117 (1) Schedule 12 (meetings and proceedings of local authorities) is amended in accordance with this paragraph.

(2) In paragraph 6A(1)—

- after “economic prosperity board,” insert “or”;
- omit the words from “or a police authority” to “Metropolitan Police Authority”.

(3) In paragraph 6B, omit sub-paragraph (b) (and the word “and” that precedes it.)

(4) In paragraph 46, omit the words from “and a police authority” to “Metropolitan Police Authority”.

Superannuation Act 1972

118 (1) In the Superannuation Act 1972, in Schedule 1 (kinds of employment, etc, referred to in section 1), the entries headed “Other Bodies” are amended in accordance with this paragraph.

(2) After the entry relating to employment by the Commissioner for Public Appointments in Scotland, insert—
“Employment by the Commissioner of Police of the Metropolis.”

(3) For “The Metropolitan Police Authority.” substitute “Employment by the Mayor’s Office for Policing and Crime.”.

Employment Agencies Act 1973

119 In the Employment Agencies Act 1973, in section 13 (interpretation), in subsection (7)—

- in paragraph (f), omit the words from “, a police authority” to “1996”;
- for paragraph (fa) substitute—
“(fa) the exercise by a police and crime commissioner of any of the commissioner’s functions;
- the exercise by the Mayor’s Office for Policing and Crime of any of that Office’s functions;
- the exercise by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011 of any of the chief constable’s functions;
- the exercise by the Commissioner of Police of the Metropolis of any of the Commissioner’s functions;”.

Health and Safety at Work etc Act 1974

120 (1) In the Health and Safety at Work etc Act 1974, section 51A (application of Part to police) is amended as follows.

(2) In subsection (2)—

- in paragraph (a), for “means the chief officer of police” substitute “means—
(i) the chief officer of police of that force, or

(ii) in the case of a member of the force or a special constable who is, by virtue of a collaboration agreement under section 22A of the Police Act 1996, under the direction and control of a chief officer (within the meaning given by section 23I of that Act), that chief officer;”;

(b) in paragraph (c), for “means the person who has the direction and control of the body of constables or cadets in question” substitute “means—

(i) the person who has the direction and control of the body of constables or cadets in question, or

(ii) in the case of a constable who is, by virtue of a collaboration agreement under section 22A of the Police Act 1996, under the direction and control of a chief officer (within the meaning given by section 23I of that Act), that chief officer.”.

(3) In subsection (2A), after “shall” insert “, if not a corporation sole;”.

Local Government Act 1974

121 The Local Government Act 1974 is amended as follows.

122 In section 25 (authorities subject to investigation), in subsection (1), for paragraphs (ca) and (caa) substitute—

“(ca) any police and crime commissioner;

(caa) the Mayor’s Office for Policing and Crime;”.

123 In Schedule 5 (matters not subject to investigation), in paragraph 2 for “police authority” substitute “local policing body”.

House of Commons Disqualification Act 1975

124 In the House of Commons Disqualification Act 1975, in section 1 (disqualification of holders of certain offices and places), in subsection (1)(d) after “maintained by” insert “a local policing body or”.

Northern Ireland Assembly Disqualification Act 1975

125 In the Northern Ireland Assembly Disqualification Act 1975, in section 1 (disqualification of holders of certain offices and places), in subsection (1)(d) after “maintained by” insert “a local policing body or”.

Local Government (Miscellaneous Provisions) Act 1976

126 The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.

127 In section 30 (power to forego repayments of advances of remuneration paid to deceased employees), for subsection (3) substitute—

“(3) For the purposes of this section—

(a) the cases in which a person is in the employment of a local authority are to be taken to include cases where a person is a member of a police force maintained by a local authority; and

(b) in such cases, references to employment are to be construed accordingly.”.

128 In section 44 (interpretation etc of Part 1), in subsection (1), in paragraph (a) of the definition of “local authority”, for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Police Pensions Act 1976

129 The Police Pensions Act 1976 is amended as follows.

130 In section 1 (police pensions regulations), in subsection (2A), for “police authorities” substitute “police pension authorities”.

131 In section 6 (appeals)—

(a) in subsection (1)(a), for “police authority” substitute “police pension authority”;

(b) in subsection (2)—

(i) for “police authority” substitute “police pension authority”;

(ii) for “them” substitute “that authority”;

(iii) for “they are” substitute “that authority is”;

(c) in subsection (3), for “police authority” substitute “police pension authority”.

132 In section 8A (information in connection with police pensions etc), for “police authority” (in each place) substitute “police pension authority”.

133 (1) Section 11 (interpretation) is amended in accordance with this paragraph.

(2) In subsection (2), the second paragraph (g) becomes paragraph (h).

(3) In subsection (2), for the words before paragraph (a), substitute—

“(2) In this Act—

“police pension authority” means—

(a) the chief constable of any police force maintained under section 2 of the Police Act 1996;

(b) the Commissioner of Police of the Metropolis;

(c) the Common Council of the City of London in its capacity as a police authority; and

(d) any police authority within the meaning of the Police (Scotland) Act 1967;

“pension supervising authority” means—

(a) any local policing body within the meaning of the Police Act 1996; and

(b) any police authority within the meaning of the Police (Scotland) Act 1967.

(2A) But—

(and, accordingly, paragraphs (a) to (h) of subsection (2) become those paragraphs of subsection (2A)).

(4) In subsection (2A), in paragraphs (a) to (h), for “it” (in each place) substitute ““police pension authority” or “pension supervising authority””.

134 In Schedule 1 (pensions under repealed enactments), in paragraph 2 (forfeiture of pensions), for “police authority” (in each place) substitute “pension supervising authority”.

Race Relations Act 1976

135 (1) In the Race Relations Act 1976, Schedule 1A (bodies and other persons subject to general statutory duty) is amended in accordance with this paragraph.

(2) In Part 1—

(a) for paragraph 55 substitute—

55 A police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.”;

(b) for paragraph 57 substitute—

57 The Mayor’s Office for Policing and Crime established under section 3 of the Police Reform and Social Responsibility Act 2011.”.

(3) In Part 2, omit “A Selection Panel for Independent Members of Police Authorities.”.

Rent (Agriculture) Act 1976

136 In the Rent (Agriculture) Act 1976, in section 5 (no statutory tenancy where landlord’s interest belongs to Crown or to local authority etc), in subsection (3), for paragraph (baa) substitute—

“(baa) a police and crime commissioner;”.

Rent Act 1977

137 In the Rent Act 1977, in section 14 (landlord’s interest belonging to local authority etc), in subsection (1), for paragraph (caa) substitute—

“(caa) a police and crime commissioner;”.

Highways Act 1980

138 The Highways Act 1980 is amended as follows.

139 In section 118B (stopping up of certain highways for purposes of crime prevention etc), in subsection (6), for “police authority” substitute “local policing body”.

140 In section 119B (diversion of certain highways for purposes of crime prevention etc), in subsection (6), for “police authority” substitute “local policing body”.

141 In section 120 (exercise of powers of making public path extinguishment and diversion orders), in subsection (3B), for “police authority” substitute “local policing body”.

Local Government, Planning and Land Act 1980

142 The Local Government, Planning and Land Act 1980 is amended as follows.

143 In section 99 (directions to dispose of land — supplementary), in subsection (4), for paragraphs (dc) and (dcc) substitute—

- “(dc) a police and crime commissioner;
- (dcc) the Mayor’s Office for Policing and Crime.”.

144 In Schedule 16 (bodies to whom Part 10 applies), for paragraphs 5C and 5CC substitute—A police and crime commissioner. The Mayor’s Office for Policing and Crime.”.

5C A police and crime commissioner.

5CC The Mayor’s Office for Policing and Crime.”.

Acquisition of Land Act 1981

145 In the Acquisition of Land Act 1981, in section 17(4) (local authority and statutory undertakers’ land), in paragraph (a) of the definition of “local authority”, omit “, a police authority established under section 3 of the Police Act 1996”.

Animal Health Act 1981

146 In the Animal Health Act 1981, in section 10A(1)(a) (annual review of import controls), omit “, police authorities”.

Finance Act 1981

147 In the Finance Act 1981, in section 107 (sale of houses at discount by local authorities etc), in subsection (3)(k)—

- (a) for “police authority” substitute “local policing body”;
- (b) for “1996 or” substitute “1996, or a police authority within the meaning of”.

Aviation Security Act 1982

148 The Aviation Security Act 1982 is amended as follows.

149 In section 24AG (security executive groups), in subsection (2)(c), at the beginning insert “in the case of an aerodrome in Scotland or Northern Ireland.”.

150 In section 24AT (interpretation), in subsection (6)(c), at the beginning insert “in the case of an aerodrome in Scotland or Northern Ireland.”.

151 (1) Section 25B (police services agreements) is amended as follows.

(2) In subsection (4)(b), at the beginning insert “in the case of an aerodrome in Scotland or Northern Ireland.”.

(3) After subsection (4) insert—

“(4A) Before entering into a police services agreement relating to an aerodrome in England or Wales, or a variation of such an agreement, the chief officer of police for the relevant police area must consult the local policing body for that area.”.

152 In section 25E (discharge of functions of relevant persons in relation to police services agreements), in subsection (2)(c)—

- (a) after “incurred by” insert “the local policing body (in the case of an aerodrome in England or Wales) or”;
- (b) after “police authority” insert “(in the case of an aerodrome in Scotland or Northern Ireland)”.

153 In section 26 (exercise of police functions at relevant aerodromes)—

- (a) for “police authority” (in each place) substitute “local policing body or police authority”;
- (b) in subsection (2C)(a), after “reimburse the” insert “body or”.

154 In section 29 (control of road traffic at relevant aerodromes), in subsection (2)(a), for “police authority” substitute “chief officer of police (in the case of an aerodrome in England or Wales) or the police authority (in any other case)”.

155 In section 29D (dispute resolution: powers), for “police authority” (in each place) substitute “local policing body or police authority”.

156 (1) Section 31 (interpretation of Part 3 etc) is amended in accordance with this paragraph.

(2) In subsection (1), in the definition of “relevant persons”, at the end insert “, as read with subsection (1ZA) below”.

(3) After subsection (1) insert—

“(1ZA) In relation to a dispute about payments to be made which is within section 29A(2)(d) and concerns an aerodrome in England or Wales, “relevant persons” includes the local policing body for the relevant police area.”.

Local Government (Miscellaneous Provisions) Act 1982

157 The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

158 In section 33 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a), for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor’s Office for Policing and Crime,”.

159 In section 41 (lost and uncollected property), in the definition of “local authority” in subsection (13), for paragraphs (ca) and (caa) substitute—

- “(ca) a police and crime commissioner; and
- “(caa) the Mayor’s Office for Policing and Crime; and.”

Stock Transfer Act 1982

160 In the Stock Transfer Act 1982, in Schedule 1 (specified securities), in paragraph 7(1), for sub-paragraph (ba) substitute—

- (b) any police and crime commissioner.”.

County Courts Act 1984

161 In the County Courts Act 1984, in section 60 (right of audience), in subsection (3), in the definition of “local authority” for the words from “a police authority” to “Metropolitan Police Authority” substitute “a police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Police and Criminal Evidence Act 1984

162 The Police and Criminal Evidence Act 1984 is amended as follows.

163 In section 30 (arrest elsewhere than at a police station), in subsection (4)(b), for “police authority” substitute “local policing body”.

164 In section 36 (custody officers at police stations), in subsection (9), for “police authority” substitute “local policing body”.

165 (1) Section 67 (codes of practice: supplementary) is amended in accordance with this paragraph.

(2) In subsection (4), for paragraph (a) substitute—

- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
- (aa) the Mayor’s Office for Policing and Crime,
- (ab) the Common Council of the City of London.”.

(3) In subsection (9A)(a), for “police authority employees” substitute “civilian staff”.

Road Traffic Regulation Act 1984

166 The Road Traffic Regulation Act 1984 is amended as follows.

167 In section 26 (arrangements for patrolling school crossings), in subsection (5)—

- (a) for “police authority” (in the first place) substitute “chief officer of police of the police force maintained”;
- (b) for “police authority” (in the second place) substitute “chief officer”.

168 (1) Section 95 (appointment of traffic wardens) is amended in accordance with this paragraph.

(2) In subsection (1)—

- (a) for “A police authority in England or Wales may” substitute “A chief officer of police in England and Wales (other than the Commissioner of Police for the City of London), and the Common Council of the City of London may,”;
- (b) after “so appointed” insert “by the Common Council”;
- (c) for “police authority” (in the last place) substitute “Common Council”.

(3) In subsection (4)—

- (a) for “A police authority” substitute “A person”;
- (b) after “subsection (1) above” insert “(the “employer”);”;

(c) in paragraph (a), for “the police authority provide” substitute “the employer provides”;

(d) in paragraph (b), for “the police authority” substitute “the employer”.

(4) In subsection (6), for “police authority” substitute “person”.

169 (1) Section 97 (supplementary provisions as to traffic wardens) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) for “the police authority” (in the first place) substitute “their employer”;

(b) for “the police authority” (in the second place) substitute “that employer”.

(3) In subsection (3)—

(a) after “functions of” insert “the Common Council or”;

(b) after “maintained by” insert “the Common Council or”.

(4) In subsection (5)—

(a) after “Any power” insert “of a person”;

(b) for “police authority” substitute “person”.

Housing Act 1985

170 In the Housing Act 1985, in section 4 (other descriptions of authority), in subsection (1)(e), for the words from “police authority” to “Police Act 1996” substitute “police and crime commissioner”.

Housing Associations Act 1985

171 In the Housing Associations Act 1985, in section 106 (minor definitions - general), in the definition of “local authority” in subsection (1), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.

Landlord and Tenant Act 1985

172 In the Landlord and Tenant Act 1985, in section 38 (minor definitions), in the definition of local authority, for the words from “a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Prosecution of Offences Act 1985

173 In the Prosecution of Offences Act 1985, in section 3 (functions of the director), in subsection (3), in the definition of “police force”, for “police authority under the Police Act 1996” substitute “local policing body”.

Local Government Act 1986

174 The Local Government Act 1986 is amended as follows.

175 In section 6 (interpretation and application of Part 2), in subsection (2)(a), for the words from “a police authority” to “Metropolitan Police Authority” substitute—

“a police and crime commissioner,
the Mayor’s Office for Policing and Crime”.

176 In section 9 (interpretation and application of Part 3), in subsection (1)(a), for the words from “a police authority” to “Metropolitan Police Authority” substitute—

“a police and crime commissioner,
the Mayor’s Office for Policing and Crime”.

Channel Tunnel Act 1987

177 (1) In the Channel Tunnel Act 1987, section 14 (arrangements for the policing of the tunnel system) is amended as follows.

(2) In subsection (4)—

(a) for “Kent Police Authority” substitute “Police and Crime Commissioner for Kent”;

(b) for “that Authority” substitute “that Commissioner”.

(3) In subsection (5)—

(a) for “Kent Police Authority” substitute “Police and Crime Commissioner for Kent”;

(b) for “the Authority” (in the first place) substitute “the Commissioner”.

Landlord and Tenant Act 1987

178 In the Landlord and Tenant Act 1987, in section 58 (exempt landlords and resident landlords), in subsection (1)(a), for the words from “police authority” to “1996” substitute “a police and crime commissioner”.

Dartford-Thurrock Crossing Act 1988

179 In section 19 of the Dartford-Thurrock Crossing Act 1988, in section 19 (exemption from tolls), for paragraph (a)(i) substitute—a local policing body;—

(i) a local policing body;—

Housing Act 1988

180 In the Housing Act 1988, in Schedule 1 (tenancies which cannot be assured tenancies), in paragraph 12(2) of Part 1 (local authority tenancies etc), for sub-paragraph (g) substitute—

(g) a police and crime commissioner.”.

Local Government Act 1988

181 In the Local Government Act 1988, in Schedule 2 (public supply or works contracts: the public authorities), omit the words from “A police authority” to “Metropolitan Police Authority”.

Local Government Finance Act 1988

182 The Local Government Finance Act 1988 is amended as follows.

183 In section 65A (Crown property), in subsection (4)(b), for the words from “police authority” to “1996” substitute “police and crime commissioner”.

184 In section 74 (levies)—

(a) in subsection (1)(c), omit “, combined police authority”;

(b) in subsection (4)(bb), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

185 In section 84F (determination of grant)—

(a) for “police authorities” (in each place) substitute “police and crime commissioners”;

(b) omit subsection (7).

186 In section 84Q (application of this Chapter etc)—

(a) in subsection (2), for “police authorities” substitute “police and crime commissioners”;

(b) omit subsection (3).

187 In section 88B (special grants), in subsection (10), for the words from “police authority” to “1996” substitute “police and crime commissioner”.

188 In section 111 (interpretation)—

(a) in subsection (2), for paragraph (e) substitute—

“(e) a police and crime commissioner,

“(ea) a chief officer of police (which, for this purpose, means a chief constable of a police force maintained under section 2 of the Police Act 1996 or the Commissioner of Police of the Metropolis);”;

(b) in subsection (3), at the end insert “and the 2011 Act is the Police Reform and Social Responsibility Act 2011”.

189 In section 112 (financial administration as to certain authorities), omit subsection (2)(a).

190 (1) Section 114 (functions of responsible officer as respects reports) is amended in accordance with this paragraph.

(2) In subsection (1), after “1999 Act” insert “, or Schedule 1, 2 or 4 to the 2011 Act”.

(3) In subsection (2), for “a police force maintained by the authority” substitute “the relevant police force”.

(4) In subsection (3A), after “relevant authority” insert “(except where the relevant authority is a chief officer of police)”.

(5) For subsection (4)(b) substitute—

“(b) in the case of—

(i) a police and crime commissioner, the commissioner and each member of the police and crime panel for the commissioner’s police area;

- (ii) the Mayor's Office for Policing and Crime, that Office and each member of the police and crime panel of the London Assembly;
- (iii) a chief officer of police, the chief officer and the elected local policing body; and
- (iv) any other relevant authority, each person who is at that time a member of the authority; and".

(6) After subsection (8) insert—

"(8A) In this section "relevant police force", in relation to the chief finance officer of a relevant authority, means—

- (a) in the case where the relevant authority is a chief officer of police, the police force of which that person is chief officer;
- (b) in any other case, the police force maintained by the relevant authority."

191 (1) Section 115 (authority's duties as regards reports) is amended as follows.

(2) After subsection (1A) insert—

"(1B) In the case of report made by the chief finance officer of an elected local policing body, that body must consider the report and decide whether the body agrees or disagrees with the views contained in the report and what action (if any) the body proposes to take in consequence of it.

(1C) In the case of a report made by the chief finance officer of a chief officer of police, the chief officer of police must consider the report and decide whether the chief officer of police agrees or disagrees with the views contained in the report and what action (if any) the chief officer of police proposes to take in consequence of it.

(1D) The consideration and decision-making must be concluded not later than the end of the period of 21 days beginning with the day on which copies of the report are sent.

(1E) As soon as practicable after the elected local policing body, or the chief officer of police, has concluded the consideration of the chief finance officer's report, that body or chief officer must prepare a report which specifies—

- (a) what action (if any) that body or chief officer has taken in response to the report;
- (b) what action (if any) that body or chief officer proposes to take in response to the report; and
- (c) the reasons for taking the action specified in the report or, as the case may be, for taking no action.

(1F) As soon as practicable after the elected local policing body has prepared a report under subsection (1E), the elected local policing body must arrange for a copy of the report to be sent to—

- (a) the chief finance officer;
- (b) the person who at the time the report is made has the duty to audit the elected local policing body's accounts; and
- (c) each member of the police and crime panel for the police area for which the elected policing body is established.

(1G) As soon as practicable after the chief officer of police has prepared a report under subsection (1E), the chief officer of police must arrange for a copy of the report to be sent to—

- (a) the chief finance officer;
- (b) the person who at the time the report is made has the duty to audit the chief officer's accounts; and
- (c) the elected local policing body which maintains the police force in which the chief officer serves."

(3) In subsection (2), at the beginning insert "In the case of any authority other than an elected local policing body or a chief officer of police,".

(4) In subsection (9), after "subsection" insert "(1B), (1C) or".

(5) In subsection (10), after "If subsection" insert "(1B), (1C)".

(6) In subsection (11), for "at the meeting" substitute "under subsection (1B), (1C) or (2)".

192 (1) Section 116 (information about meetings) is amended in accordance with this paragraph.

(2) In the title, for "" substitute "".

(3) After subsection (2A) insert—

"(2B) In the case of an elected local policing body, the chief finance officer of that body must notify the body's auditor of any decisions taken by the body in accordance with section 115.

(2C) In the case of a chief officer of police, the chief officer of police's chief finance officer must notify that chief officer of police's auditor of any decisions taken by the chief officer of police in accordance with section 115."

193 In section 117 (rates and precepts: abolition), in subsection (5), omit ", combined police authority".

Road Traffic Act 1988

194 The Road Traffic Act 1988 is amended as follows.

195 In section 65A (motor cycles not to be sold without EC certificate of conformity), in subsection (5)(d), after "to a" insert "local policing body or".

196 (1) Section 67 (testing of condition of vehicles on roads) is amended in accordance with this paragraph.

(2) In subsection (4)—

(a) in paragraph (e), omit "and";

(b) after paragraph (e) insert—

"(ea) a person appointed by a chief officer of police in England or Wales (other than the Commissioner of Police for the City of London) to act, under the directions of that chief officer, for the purposes of this section, and";

(c) in paragraph (f), after "police area" insert "in Scotland, or by the Common Council of the City of London,".

(3) In subsection (5), after "(d)" insert ", (ea)".

197 In section 78 (weighing of motor vehicles), in subsection (8)(b), after "by a" (in the second place), insert "local policing body or a".

198 In section 124 (exemption of police instructors from prohibition imposed by section 123), in subsection (2), in paragraph (b) of the definition of "civilian instructor", for "a police authority" substitute "a chief officer of police in England or Wales (other than the Commissioner of Police for the City of London), the Common Council of the City of London in its capacity as police authority, or a police authority".

199 (1) Section 144 (exceptions from requirement of third-party insurance or security) is amended in accordance with this section.

(2) In subsection (2)(a), omit "(other than a police authority)".

(3) In subsection (2)(b)—

(a) after "owned by" insert "a local policing body or";

(b) after "constable," insert "by a member of a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011), by a member of the staff of the Mayor's Office for Policing and Crime (within the meaning of that Part of that Act), by a person employed by the Common Council of the City of London in its capacity as a police authority,".

Road Traffic Offenders Act 1988

200 (1) In the Road Traffic Offenders Act 1988, section 79 (statements by constables) is amended as follows.

(2) In subsection (2), for "by the police authority" substitute "as a civilian police employee".

(3) After subsection (5), insert—

"(5A) For the purposes of subsection (2), a person is employed as a civilian police employee for a police area if—

- (a) in the case of a police area listed in Schedule 1 to the Police Act 1996, the person is a member of the civilian staff of the police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011) maintained for that area;

(b) in the case of the metropolitan police district, the person is a member of the civilian staff of the Mayor's Office for Policing and Crime (within the meaning of that Part of that Act);

(c) in the case of the City of London, the person is employed by the Common Council of the City of London in its capacity as police authority.”

Local Government and Housing Act 1989

201 The Local Government and Housing Act 1989 is amended as follows.

202 In section 1 (disqualification and political restriction of certain officers and staff), after subsection (8) insert—

“(9) In this section a reference to a person holding a politically restricted post under a local authority includes a reference to every member of the staff of an elected local policing body.”

203 (1) Section 4 (designation and reports of head of paid service) is amended in accordance with this paragraph.

(2) After subsection (1) insert—

“(1A) In the case of an elected local policing body, the body's chief executive is to be taken to have been designated as the head of the body's paid service (and, accordingly, subsection (1)(a) does not apply; but references to persons designated under this section include references to the body's chief executive).”

(3) In subsection (4), for “sent to” substitute “sent—

(a) in the case of an elected local policing body, to the body and to the police and crime panel for the body's police area; and

(b) in any other case, to”.

(4) In subsection (5), after “relevant authority” insert “(other than an elected local policing body)”.

(5) After subsection (5) insert—

“(5A) It shall be the duty of an elected local policing body to consider any report under this section by the head of the body's paid service, and to do so no later than three months after the body is sent a copy of the report.”

(6) In subsection (6)(a), after “below” insert “and an elected local policing body”.

204 (1) Section 5 (designation and reports of monitoring officer) is amended in accordance with this paragraph.

(2) In subsection (1), in the words after paragraph (b), omit the words from “(or,” to “authority” (in the last place).

(3) After subsection (1B) insert—

“(1C) In the case of an elected local policing body, the body's chief executive is to be taken to have been designated as the monitoring officer (and, accordingly, subsection (1)(a) does not apply; but references to persons designated under this section include references to the body's chief executive).”

(4) In subsection (3)(b), for “sent to” substitute “sent—

(a) in the case of an elected local policing body, to the body and to the police and crime panel for the body's police area; and

(b) in any other case, to”.

(5) In subsection (5)(a), for “deputy at” substitute “deputy—

(i) in the case of an elected local policing body, no later than three months after the body is sent a copy of the report; and

(ii) in any other case, at”.

(6) In subsection (8)—

(a) in the definition of “chief finance officer”, after “1999” insert “, Schedule 1 to the Police Reform and Social Responsibility Act 2011”;

(b) in paragraph (a) of the definition of “relevant authority”, after “below” insert “and an elected local policing body”.

205 In section 7 (all staff to be appointed on merit), in subsection (1)—

(a) in paragraph (a), omit “or”;

(b) after paragraph (a) insert—

“(aa) an elected local policing body, or”.

206 (1) Section 21 (interpretation of Part 1) is amended in accordance with this paragraph.

(2) In subsection (1), omit paragraph (g).

207 In section 67 (application of, and orders under, Part 5), in subsection (3), omit paragraph (i).

208 (1) Section 155 (emergency financial assistance to local authorities) is amended as follows.

(2) In subsection (1A), in paragraph (b) for “Metropolitan Police Authority” substitute “Mayor's Office for Policing and Crime”.

(3) In subsection (4), for paragraph (ea) substitute—

“(ea) a police and crime commissioner;”.

Aviation and Maritime Security Act 1990

209 In the Aviation and Maritime Security Act 1990, in section 22(4)(b)(i) (power to require harbour authorities to promote searches in harbour areas), for “in England, Scotland or Wales by a police authority” substitute “in England or Wales by a local policing body, in Scotland by a police authority, or in England, Wales or Scotland by”.

Town and Country Planning Act 1990

210 The Town and Country Planning Act 1990 is amended as follows.

211 In section 252 (procedure for making orders), in subsection (12), in the definition of “local authority”, for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor's Office for Policing and Crime,”.

212 In section 336 (interpretation), in subsection (1), in the definition of “local authority”, in paragraph (a), for “Metropolitan Police Authority” substitute “Mayor's Office for Policing and Crime”.

War Crimes Act 1991

213 In the War Crimes Act 1991, in section 2 (expenses), in paragraph (a), for “Metropolitan Police Authority” substitute “Mayor's Office for Policing and Crime”.

Local Government Finance Act 1992

214 In the Local Government Finance Act 1992, in section 19 (exclusion of Crown exemption in certain cases), for subsection (3)(c) substitute—

“(c) a police and crime commissioner;”.

Welsh Language Act 1993

215 In the Welsh Language Act 1993, in section 6 (meaning of “public body”), for paragraph (d) substitute—

“(d) a police and crime commissioner;”.

Deregulation and Contracting Out Act 1994

216 The Deregulation and Contracting Out Act 1994 is amended as follows.

217 In section 79A (meaning of “local authority” in England), omit paragraph (o).

218 In section 79B (meaning of “local authority” in Wales), omit paragraph (g).

Value Added Tax Act 1994

219 In section 33 of the Value Added Tax Act 1994 (refunds of VAT in certain cases), in subsection (3)(f), at the beginning insert “a police and crime commissioner, the Mayor's Office for Policing and Crime and”.

Criminal Appeal Act 1995

220 In the Criminal Appeal Act 1995, in section 22 (meaning of public body etc), in subsection (2)(a) and (b)(iii), for “police authority” substitute “local policing body”.

Employment Rights Act 1996

221 In the Employment Rights Act 1996, in section 50 (right to time off for public duties), omit subsection (2)(c).

Housing Grants, Construction and Regeneration Act 1996

222 In the Housing Grants, Construction and Regeneration Act 1996, in section 3 (ineligible applicants) for subsection (2)(g) substitute—

“(g) a police and crime commissioner;”.

Police Act 1997

223 The Police Act 1997 is amended as follows.

224 In section 107 (supplementary provisions relating to Commissioners), in subsection (4)(a), after “any” insert “local policing body or”.

225 In section 119 (sources of information), in subsections (3) and (7), after “appropriate” insert “local policing body or”.

226 In section 126 (interpretation of Part 5), in the definition of “police authority” in subsection (1), for “Great Britain” substitute “Scotland”.

Police (Health and Safety) Act 1997

227 In the Police (Health and Safety) Act 1997, in section 5 (payment of damages, compensation and fines out of certain funds), in subsection (3), in paragraph (a) of the definition of “the relevant authority”, for “police authority” substitute “local policing body”.

Audit Commission Act 1998

228 The Audit Commission Act 1998 is amended as follows.

229 (1) Section 32 (documents relating to police authorities etc) is amended in accordance with this paragraph.

(2) In subsection (1), for the words from “relates” to the end, substitute “relates to an elected local policing body or to a chief officer of police.”

(3) In subsection (2)—

(a) in paragraph (a)—

(i) for the words from “relates” to “1996” substitute “relates to one or more elected local policing bodies”; for “an authority” substitute “a body”;

(b) after paragraph (a) insert—

“(aa) relates to one or more chief officers of police and has been sent (or a copy of which has been sent) by the Commission to such a chief officer.”.

(4) For subsection (3) substitute—

“(3) In this section “chief officer of police” means—

(a) a chief constable for a police force maintained under section 2 of the Police Act 1996, and

(b) the Commissioner of Police of the Metropolis.”.

230 In section 32B (mandatory provision of data), omit subsection (5)(c).

231 In section 47A (reports relating to performance of English local authorities), in subsection (5), omit the words from “, other” to the end.

232 In Schedule 2 (accounts subject to audit), in paragraph 1, for sub-paragraph (k) substitute—

(k) a police and crime commissioner;

(k) a chief constable for a police force maintained under section 2 of the Police Act 1996;

(k) the Commissioner of Police of the Metropolis.”.

Crime and Disorder Act 1998

233 The Crime and Disorder Act 1998 is amended as follows.

234 In section 1A (power of Secretary of State to add relevant bodies), in subsection (1), for “police authority” substitute “local policing body”.

235 In section 17 (duty to consider crime and disorder implications), in subsection (2), for “a police authority” substitute “a local policing body”.

236 (1) In section 18 (interpretation of Chapter 1 of Part 1), subsection (1) is amended as follows.

(2) After the definition of “local child curfew scheme” insert—

“(none) ““local policing body” has the meaning given by section 101(1) of the Police Act 1996;”.

(3) Omit the definition of “police authority”.

237 In section 38 (local provision of youth justice services), in subsection (2)(a), for “police authority” substitute “local policing body”.

238 In section 41 (the Youth Justice Board), in subsection (10), for “police authority” substitute “local policing body”.

239 In section 42 (supplementary provisions), in subsection (1), omit the definition of “police authority”.

240 In section 115 (disclosure of information), in subsection (2)(c), for “police authority” substitute “local policing body”.

Police (Northern Ireland) Act 1998

241 In the Police (Northern Ireland) Act 1998, in Schedule 3 (the Police Ombudsman for Northern Ireland), in paragraph 8 (assistance by members of a police force in Great Britain), in sub-paragraph (2), after “to the” insert “local policing body”.

Regional Development Agencies Act 1998

242 In the Regional Development Agencies Act 1998, in section 7A (the London Development Agency Strategy), in subsection (5)(b) for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

Local Government Act 1999

243 The Local Government Act 1999 is amended as follows.

244 (1) Section 1 (best value authorities) is amended in accordance with this paragraph.

(2) In subsection (1), for paragraph (d) substitute—

“(d) the Common Council of the City of London in its capacity as a police authority;”.

(3) Omit subsection (4).

245 In section 3A (involvement of local representatives), in subsection (3), for paragraph (a) substitute—

“(a) the Common Council of the City of London in its capacity as a police authority;”.

246 In section 10 (inspections), omit subsection (5).

247 Omit section 10A (inspections: Auditor General for Wales).

248 In section 23 (accounts), in subsection (4), omit paragraph (za).

249 In section 29 (modifications for Wales), in subsection (1), omit the words from “except” to the end.

Criminal Justice and Court Services Act 2000

250 In the Criminal Justice and Court Services Act 2000, in section 71 (access to driver licensing records), in subsection (4), for paragraph (a) of the definition of “constables” substitute—

(a) persons appointed by a chief constable under paragraph 4 of Schedule 2 to the Police Reform and Social Responsibility Act (civilian staff of police forces outside London),

(b) persons appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4 to that Act (civilian staff of metropolitan police force).”.

Freedom of Information Act 2000

251 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 5, for paragraphs 57 and 58 substitute—A police and crime commissioner. The Mayor’s Office for Policing and Crime.”.

57 A police and crime commissioner.

58 The Mayor’s Office for Policing and Crime.”.

Learning and Skills Act 2000

252 The Learning and Skills Act 2000 is amended as follows.

253 In section 125 (consultation and co-ordination), for subsection (1)(c) substitute—

“(c) a police and crime commissioner.”.

254 In section 129 (supplementary), in subsection (1), omit the definition of “police authority”.

Local Government Act 2000

255 The Local Government Act 2000 is amended as follows.

256 In section 21C (reports and recommendations of overview and scrutiny committees: duties of certain partner authorities), in subsection (8), in the definition of “relevant partner authority”, for paragraph (a) substitute—

“(a) a local policing body, or”.

257 In section 21E (overview and scrutiny committees of certain district councils: functions with respect to partner authorities), in subsection (4), for paragraph (a)(ii)(a) substitute—

258 In section 22A (overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities), in subsection (6), in the definition of “associated authority”, for paragraph (b)(i) substitute—

(a)

259 (1) Section 49 (principles governing conduct of members of relevant authorities) is amended in accordance with this paragraph.

(2) In subsection (1), omit “and police authorities in Wales”.

(3) In subsection (2), omit “(other than police authorities)”.

(4) Omit subsection (4).

(5) In subsection (6), omit paragraphs (h) and (m).

260 (1) Section 50 (model codes of conduct) is amended in accordance with this paragraph.

(2) In subsection (1), omit “and police authorities in Wales”.

(3) In subsection (2), omit “other than police authorities”.

261 (1) Section 51 (duty of relevant authorities to adopt codes of conduct) is amended in accordance with this paragraph.

(2) In subsection (4A), omit “or police authority in Wales”.

(3) In subsection (4C), omit “other than a police authority”.

(4) In subsection (6)(c)(i), omit “or a police authority in Wales”.

262 (1) Section 53 (standards committees) is amended in accordance with this paragraph.

(2) In subsections (3) and (4), omit “or a police authority in Wales”.

(3) In subsections (6)(a) and (7)(a), omit “and police authorities in Wales”.

(4) In subsection (8), omit “or a police authority in Wales”.

(5) In subsection (9), omit “and a police authority in Wales”.

(6) In subsection (10), omit “or a police authority in Wales”.

(7) In subsection (11)—

(a) in paragraph (a), omit “other than police authorities”;

(b) in paragraph (k), omit “(other than police authorities)”.

263 (1) Section 54 (functions of standards committees) is amended in accordance with this paragraph.

(2) In subsection (4), omit “and police authorities in Wales”.

(3) In subsection (5), omit “(other than police authorities)”.

(4) In subsection (6), omit “and police authorities in Wales”.

(5) In subsection (7), omit “(other than police authorities)”.

264 (1) Section 54A (sub-committees of standards committees) is amended in accordance with this paragraph.

(2) In subsection (4), omit “or of a police authority in Wales”.

(3) In subsection (5), omit “other than a police authority”.

265 In section 57 (Standards Board for England), in subsection (5)(b) and (c), omit “and police authorities in Wales”.

266 In section 68 (Public Services Ombudsman for Wales), in subsection (2)(a) and (b), omit “(other than police authorities)”.

267 In section 73 (matters referred to monitoring officers), omit subsection (6).

268 (1) Section 81 (disclosure and registration of members’ interests etc) is amended in accordance with this paragraph.

(2) In subsection (7)(b), omit “or a police authority in Wales”.

(3) In subsection (8), omit “(other than police authorities)”.

269 (1) Section 82 (code of conduct for local government employees) is amended in accordance with this paragraph.

(2) In subsection (1), omit “and police authorities in Wales”.

(3) In subsection (2), omit “(other than police authorities)”.

270 In section 83 (interpretation of Part 3), in subsection (1), omit the definition of “police authority”.

271 (1) Section 101 (indemnification of members and officers of relevant authorities) is amended in accordance with this paragraph.

(2) In subsection (1), omit “and police authorities in Wales”.

(3) In subsection (2), omit “(other than police authorities)”.

(4) In subsection (5), for ““police authority” and “relevant authority” have” substitute ““relevant authority” has”.

Criminal Justice and Police Act 2001

272 The Criminal Justice and Police Act 2001 is amended as follows.

273 In section 97 (regulations for police forces)—

(a) in subsection (3)(a), for “police authorities” substitute “local policing bodies”;

(b) for subsection (4)(c), substitute—

“(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ca) the Mayor’s Office for Policing and Crime;

(cb) the Common Council of the City of London; and”.

274 In section 98 (directions after inspection identifies training needs), in subsections (1) and (2) for “police authority” substitute “local policing body”.

Private Security Industry Act 2001

275 (1) In the Private Security Industry Act 2001, Schedule 2 (activities liable to control under the Act) is amended as follows.

(2) In paragraph 2 (manned guarding), in sub-paragraph (7)—

(a) in sub-paragraph (f)—

(i) for “police authority” (in the first place) substitute “local policing body”;

(ii) for “police authority employees” substitute “civilian staff”;

(b) in sub-paragraph (i), for “police authority employees” substitute “civilian staff”;

(3) In paragraph 3 (immobilisation of vehicles), in sub-paragraph (3A)(c), for “police authority employees” substitute “civilian staff”.

(4) In paragraph 3A (restriction and removal of vehicles), in sub-paragraph (6)—

(a) in sub-paragraph (c), for “police authority” substitute “local policing body”;

(b) in sub-paragraph (e), for “police authority employees” substitute “civilian staff”.

Vehicles (Crime) Act 2001

276 The Vehicles (Crime) Act 2001 is amended as follows.

277 In section 18 (register of registration plate suppliers), in subsection (9), for paragraph (a) substitute—

“(a) members of the civilian staff of a police force, including the metropolitan police force, (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),

(aa) persons employed by the Common Council of the City of London who are under the direction and control of the Commissioner of Police for the City of London.”.

278 In section 38 (unified power for Secretary of State to fund speed cameras etc), in subsection (5)(b), for the words from “any police authority” to “Metropolitan Police Authority” substitute “any police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Police Reform Act 2002

279 The Police Reform Act 2002 is amended as follows.

280 (1) Section 10 (general functions of the Commission) is amended in accordance with this paragraph.

(2) In subsection (1), in paragraphs (a) and (f), for “police authorities” substitute “local policing bodies”.

(3) In subsection (3)(d), for “police authority” substitute “local policing body”.

281 In section 11 (reports to the Secretary of State), in subsections (6)(a), (7)(a), (9) and (10)(b), for “police authority” substitute “local policing body”.

282 In section 12 (complaints, matters and persons to which Part 2 applies), in subsection (7)—

(a) after paragraph (a) insert—
“(aa) he is a civilian employee of a police force;”;

(b) in paragraph (b), for “police authority” substitute “the Common Council of the City of London”.

283 (1) Section 15 (general duties of police authorities, chief constables and inspectors) is amended in accordance with this paragraph.

(2) In the title, for “” substitute “”.

(3) In subsections (1)(a) and (3)(a), for “police authority” substitute “local policing body”.

(4) In subsection (3)(c), for “police authority” substitute “local policing body”.

(5) In subsections (4)(a), (5)(a), (6) and (8A), for “police authority” substitute “local policing body”.

284 (1) Section 16 (payment for assistance with investigations) is amended in accordance with this paragraph.

(2) In subsection (3)—

(a) for “police authority” (in each place) substitute “local policing body”;

(b) in paragraph (b)(i), for “police authorities” substitute “local policing bodies”.

(3) In subsection (4)—

(a) for “police authority” substitute “local policing body”;

(b) in sub-paragraph (a), for “that authority” substitute “that body”;

(c) in paragraph (b)(i), for “police authorities” substitute “local policing bodies”.

(4) In subsection (5), for “police authority” substitute “local policing body”.

(5) In subsection (6), for “police authorities” (in each place) substitute “local policing bodies”.

285 (1) Section 16A (police investigations: National Police Improvement Agency involvement) is amended in accordance with this paragraph.

(2) In subsection (1), for “police authority” substitute “local policing body”.

(3) In subsection (7)—

(a) for “police authority” substitute “local policing body”;

(b) in paragraph (b)(i), for “police authorities” substitute “local policing bodies”.

286 In section 17 (provision of information to the Commission)—

(a) in subsection (1)(a), for “police authority” substitute “local policing body”;

(b) in subsection (2)—

(i) for “police authority” substitute “local policing body”;

(ii) in paragraph (a), for “that authority” substitute “that body”;

(c) in subsection (4)—

(i) for “police authority” substitute “local policing body”;

(ii) in paragraphs (a) and (b), for “that authority” substitute “that body”.

(d) in subsection (6), for “police authority” substitute “local policing body”.

287 In section 18 (inspections of police premises on behalf of Commission)—

(a) in subsection (1)—

(i) for “the authority” substitute “the body”;

(ii) in paragraph (a), for “police authority” substitute “local policing body”;

(b) in subsection (3), for “the authority” substitute “the body”;

(c) in subsection (5)(b), for “police authorities” substitute “local policing bodies”.

288 In section 20 (duty to keep the complainant informed), in subsection (8), for “police authority” substitute “local policing body”.

289 (1) Section 22 (power of Commission to issue guidance) is amended as follows.

(2) In subsection (1)(a), for “police authorities” substitute “local policing bodies”.

(3) In subsection (3), for paragraph (a) substitute—

“(a) such persons as appear to the Commission to represent the views of police and crime commissioners;

“(aa) the Mayor’s Office for Policing and Crime;

(ab) the Common Council;”.

290 In section 23 (regulations), in subsection (2)(n), for “police authorities” substitute “local policing bodies”.

291 In section 24 (consultation on regulations), for paragraph (b) substitute—

“(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

“(ba) the Mayor’s Office for Policing and Crime;

(bb) the Common Council;”.

292 (1) Section 26 (forces maintained otherwise than by police authorities) is amended in accordance with this paragraph.

(2) In the title, for “” substitute “”.

(3) In subsections (1)(b) and (2), for “police authority” substitute “local policing body”.

293 In section 29 (interpretation of Part 2), in subsection (1)—

(a) in the definition of “appropriate authority”—

(i) for “a senior officer” (in each place) substitute “the chief officer”;

(ii) for “police authority” (in each place) substitute “local policing body”;

(b) in the definition of “relevant force”, for paragraph (a) substitute—

(a) if that authority is a local policing body, the police force which the body is responsible for maintaining; and”;

(c) omit the definition of “senior officer”.

294 (1) Section 38 (police powers for police authority employees) is amended in accordance with this paragraph.

(2) In the title, for “” substitute “”.

(3) In subsection (1), for the words from “designate” to “an officer” substitute “designate a relevant employee as an officer”.

(4) In subsection (7), for “An employee of a police authority” substitute “A relevant employee”.

(5) After subsection (9) insert—

“(11) In this section “relevant employee” means—

(a) in the case of—

(i) a police force maintained for a police area in accordance with section 2 of the Police Act 1996, or

(ii) the police force maintained for the metropolitan police district in accordance with section 5A of that Act,

a member of the civilian staff of that police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);

(b) in the case of any other police force, a person who—

(i) is employed by the police authority maintaining that force, and

(ii) is under the direction and control of the chief officer making a designation under subsection (1).”.

295 In section 38A (standard powers and duties of community support officers), in subsection (3), for paragraph (a) substitute—

- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (ab) the Mayor’s Office for Policing and Crime;
- (ac) the Common Council of the City of London; and”.

296 (1) Section 39 (police powers for contracted out staff) is amended in accordance with this paragraph.

(2) In subsections (1) and (2), for “police authority” substitute “local policing body”.

(3) In subsection (11), for paragraph (a) substitute—

- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (aa) the Mayor’s Office for Policing and Crime;
- (ab) the Common Council of the City of London; and”.

(4) In subsection (13)(b), for “police authority” substitute “local policing body”.

297 (1) Section 40 (community safety accreditation schemes) is amended in accordance with this paragraph.

(2) In subsection (4)(a), for “police authority” substitute “local policing body”.

(3) In subsection (5), for paragraph (a) substitute—

- “(a) the Mayor’s Office for Policing and Crime;”.

(4) In subsection (7)—

- (a) for “police plan under section 8 of the 1996 Act” substitute “police and crime plan under section 5 or 6 of the Police Reform and Social Responsibility Act 2011”;
- (b) omit the words from “and every draft” to “this section,” (in the second place).
- (c) for “police authority” (in each place) substitute “local policing body”.

298 In section 42 (supplementary provisions relating to designations and accreditations), in subsection (7)—

- (a) for “police authority” (in each place) substitute “chief officer of police or local policing body”;
- (b) for “that authority” substitute “that chief officer or body”.

299 In section 43 (railway safety accreditation scheme), in subsection (9), for paragraph (c) substitute—

- “(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- “(ca) the Mayor’s Office for Policing and Crime;
- (cb) the Common Council of the City of London; and”.

300 In section 45 (code of practice relating to chief officers’ powers under Chapter 1), in subsection (3), for paragraph (c) substitute—

- “(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (ca) the Mayor’s Office for Policing and Crime;
- (cb) the Common Council of the City of London; and”.

301 (1) Section 51 (independent custody visitors for places of detention) is amended in accordance with this paragraph.

(2) In subsection (1), for “police authority” substitute “local policing body”.

(3) In subsection (1A) (inserted by section 117 of the Coroners and Justice Act 2009), for “police authority” substitute “local policing body”.

(4) In subsection (2)—

- (a) in paragraph (a), for “police authority” substitute “local policing body”;
- (b) in paragraph (b), for “that authority” substitute “that body”.

(5) In subsection (3), for “police authority” substitute “local policing body”.

(6) In subsection (6), for “police authorities” substitute “local policing bodies”.

(7) In subsection (7), for paragraph (a) substitute—

“(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(aa) the Mayor’s Office for Policing and Crime;

(ab) the Common Council of the City of London;”.

(8) In subsection (9), for “Police authorities” substitute “local policing bodies”.

(9) In subsection (10)—

(a) before its substitution by virtue of section 117 of the Coroners and Justice Act 2009), for “police authority” substitute “local policing body”;

(b) as substituted by virtue of section 117 of the Coroners and Justice Act 2009, for “police authority” substitute “local policing body”.

302 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 1 (handling of complaints) is amended in accordance with this paragraph.

(2) In paragraph 1—

(a) in sub-paragraphs (1), (2)(b) and (5), for “police authority” substitute “local policing body”;

(b) in sub-paragraph (6), for “police authority” substitute “local policing body”.

(3) In paragraph 2—

(a) in sub-paragraphs (2) and (5), for “police authority” substitute “local policing body”;

(b) in sub-paragraph (6)—

(i) for “police authority” substitute “local policing body”;

(ii) for “the authority” substitute “the body”.

(4) In paragraph 3—

(a) in sub-paragraph (1), for “police authority” substitute “local policing body”;

(b) in sub-paragraph (2)—

(i) for “police authority” substitute “local policing body”;

(ii) for “that authority” substitute “that body”.

(c) in sub-paragraphs (3), (4) (in each place), and (6) (in each place), for “police authority” substitute “local policing body”.

(5) In paragraph 4—

(a) in sub-paragraph (3)—

(i) for “police authority” (in each place) substitute “local policing body”;

(ii) in sub-paragraph (a), for “the authority” substitute “the body”;

(b) in sub-paragraph (5)(b), for “police authority” substitute “local policing body”;

(c) in sub-paragraph (6)—

(i) for “police authority” substitute “local policing body”;

(ii) in sub-paragraph (b), for “the authority” substitute “the body”.

(6) In paragraph 5(1), for “police authority” substitute “local policing body”.

303 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 2 (handling of conduct matters) is amended in accordance with this paragraph.

(2) In paragraph 10

(a) in sub-paragraph (1)—

(i) in sub-paragraph (a) for “police authority” (in each place) substitute “local policing body”;

(ii) in sub-paragraphs (a) and (b), for “that authority” substitute “that body”;

(b) in sub-paragraph (2), for “the authority” substitute “the body”;

- (c) in sub-paragraph (3), for “police authority” substitute “local policing body”.
- (3) In paragraph 11(1)(a), for “police authority” substitute “local policing body”.
- (4) In paragraph 12—
- (a) in sub-paragraph (1)—
- (i) for “police authority” substitute “local policing body”;
- (ii) for “that authority” substitute “that body”;
- (b) in sub-paragraph (5), for “police authority” substitute “local policing body”;
- (c) in sub-paragraph (6), for “police authority” substitute “local policing body”.
- (5) In paragraph 13—
- (a) in sub-paragraph (1)—
- (i) for “police authority” substitute “local policing body”;
- (ii) for “the authority” substitute “the body”;
- (b) in sub-paragraph (3)—
- (i) for “police authority” substitute “local policing body”;
- (ii) in sub-paragraph (b), for “police authority” substitute “local policing body”;
- (c) in sub-paragraph (5)(b), for “police authority” substitute “local policing body”;
- (d) in sub-paragraph (6)—
- (i) for “police authority” substitute “local policing body”;
- (ii) for “that authority” (in each place) substitute “that body”.
- (6) In paragraph 14(1), for “police authority” substitute “local policing body”.
- 304 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 2A (handling of death and serious injury matters) is amended in accordance with this paragraph.
- (2) In paragraph 14A(1), for “police authority” substitute “local policing body”.
- (3) In paragraph 14B—
- (a) in sub-paragraph (1)—
- (i) for “police authority” substitute “local policing body”;
- (ii) for “that authority” (in each place) substitute “that body”;
- (b) in sub-paragraph (5), for “police authority” substitute “local policing body”;
- (c) in sub-paragraph (6), for “police authority” substitute “local policing body”.
- (4) In paragraph 14D(1), for “police authority” substitute “local policing body”.

305 In Schedule 4 (powers exercisable by police civilians), in paragraph 7 (confiscation of tobacco etc), for “police authority” substitute “local policing body”.

Proceeds of Crime Act 2002

306 The Proceeds of Crime Act 2002 is amended as follows.

307 In section 55 (sums received by designated officer), in subsection (8)—

- (a) after paragraph (a) insert—
- “(aa) a member of a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),
- (ab) a member of the staff of the Mayor’s Office for Policing and Crime (within the meaning of that Part of that Act),
- (ac) a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act),”;
- (b) in paragraph (b), omit the words from “a person” to “or”.

308 In section 302 (compensation), in subsection (7A)(a), for sub-paragraph (i), substitute—

- (i) who was a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act), or”.

Anti-social Behaviour Act 2003

309 The Anti-social Behaviour Act 2003 is amended as follows.

310 In section 8 (reimbursement of costs)—

- (a) in subsection (1), for “A police authority” substitute “A local policing body”;
- (b) in subsection (4)—
- (i) in paragraph (a), for “the police authority” substitute “the local policing body”;
- (ii) in paragraph (b), for “a police authority” substitute “a local policing body”.

311 In section 11H (Part 1A closure order: reimbursement of costs)—

- (a) in subsection (1), for “A police authority” substitute “A local policing body”;
- (b) in subsection (4)—
- (i) in paragraph (a), for “the police authority” substitute “the local policing body”;
- (ii) in paragraph (b), for “a police authority” substitute “a local policing body”.

Courts Act 2003

312 The Courts Act 2003 is amended as follows.

313 In section 8 (local justice areas), in subsection (7), for paragraph (c) substitute—

- “(c) a police and crime commissioner or the Mayor’s Office for Policing and Crime.”.

314 In section 41 (disqualification of lay justices who are members of local authorities), in subsection (6)(c), for the words from “a police authority” to “Metropolitan Police Authority” substitute “a police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Criminal Justice Act 2003

315 In the Criminal Justice Act 2003, in section 221 (provision of attendance centres), in subsection (3)—

- (a) for “police authority” substitute “local policing body”;
- (b) for “that authority” substitute “that authority or body”.

Finance Act 2003

316 In the Finance Act 2003, in Schedule 9 (stamp duty land tax: right to buy, shared ownership leases etc), for “police authority” (in the first place) substitute “local policing body”.

Licensing Act 2003

317 In the Licensing Act 2003, in section 170 (exemption of police from liability for damages), in subsection (4A)—

- (a) after “such a person” insert “exercising such powers by virtue of such a designation by the Commissioner of Police of the City of London”;
- (b) for “a police authority” substitute “the Common Council of the City of London”.

Local Government Act 2003

318 The Local Government Act 2003 is amended as follows.

319 In section 23 (meaning of “local authority”), in subsection (1), for paragraph (n) substitute—

- “(n) a police and crime commissioner;”.

320 In section 25 (budget calculations: report on robustness of estimates etc), in subsection (3)—

- (a) in paragraph (d), omit “or”;
- (b) at the end of paragraph (e), insert “or
- (f) Schedule 1, 2 or 4 to the Police Reform and Social Responsibility Act 2011”.

321 In section 33 (interpretation of Chapter 1), in subsection (1), for paragraph (m) substitute—

- “(m) a police and crime commissioner.

322 In section 95 (power to trade in function-related activities through a company), in subsection (7)—

- (a) omit the definition of “police authority”;
- (b) in the definition of “relevant authority”, for “a police authority or” substitute “the Common Council of the City of London in its capacity as a police authority and”.

323 In section 101 (staff transfer matters: general), omit subsection (7).

Railways and Transport Safety Act 2003

324 The Railways and Transport Safety Act 2003 is amended as follows.

325 In section 25 (special constables), in subsection (5)(d), for “police authority” substitute “local policing body”.

326 In section 28 (exercise of powers by civilians), in subsection (1)(a), for “police authority employees” substitute “civilian staff”.

327 In section 45 (regulation of procedure and practice), omit subsection (2)(a).

328 In section 50 (policing objectives: Authority), in subsection (3)—

- (a) in paragraph (a), at the end insert “and”;
- (b) omit paragraph (c) (and the word “and” at the end of paragraph (b)).

329 In section 55 (three-year strategy plan)—

- (a) in paragraph (b), at the end insert “and”;
- (b) omit paragraph (d) (and the word “and” at the end of paragraph (c)).

330 In Schedule 4 (British Transport Police Authority), in paragraph 7 (disqualification), for sub-paragraph (2)(c) substitute—

- “(c) a member of a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),
- (ca) a member of the staff of the Mayor’s Office for Policing and Crime (within the meaning of that Part of that Act),
- (cb) a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act), or”.

Sexual Offences Act 2003

331 In the Sexual Offences Act 2003, in section 136M (reimbursement of costs), for “police authority” (in each place) substitute “local policing body”.

Children Act 2004

332 The Children Act 2004 is amended as follows.

333 In section 10 (co-operation to improve well-being: England), in subsection (4)(b), for “the police authority” substitute “the local policing body”.

334 In section 11 (arrangements to safeguard and promote welfare: England), in subsection (1)(h), for “police authority” substitute “local policing body”.

335 In section 25 (co-operation to improve well-being: Wales), in subsection (4)(a), for “the police authority” substitute “the local policing body”.

336 In section 28 (arrangements to safeguard and promote welfare: Wales), in subsection (1)(d), for “police authority” substitute “local policing body”.

Housing Act 2004

337 In the Housing Act 2004, in Schedule 14 (buildings which are not HMOs), in paragraph 2(1) (buildings controlled or managed by public sector bodies etc), for sub-paragraphs (c) and (d) substitute—

- (c) a police and crime commissioner,
- (b) the Mayor’s Office for Policing and Crime.”.

Public Audit (Wales) Act 2004

338 The Public Audit (Wales) Act 2004 is amended as follows.

339 In section 12 (local government bodies in Wales), in subsection (1)—

- (a) in paragraph (f), for “police authority” substitute “police and crime commissioner”;
- (b) after paragraph (f), insert—

“(fa) a chief constable of a police force maintained under section 2 of the Police Act 1996 for a police area in Wales;”.

340 (1) Section 40 (documents relating to police authorities) is amended in accordance with this paragraph

(2) In the title, for “” substitute “”.

(3) In subsection (1), for “police authority for” substitute “police and crime commissioner for, or the chief constable of a police force maintained under section 2 of the Police Act 1996 for;”;

(4) In subsection (2)—

- (a) for “police authorities” substitute “police and crime commissioners”;
- (b) for “police authority” substitute “police and crime commissioner”.

(5) After subsection (2) insert—

“(3) If the Auditor General for Wales has sent a document (or a copy of a document) relating to one or more chief constables of police forces maintained under section 2 of the Police Act 1996 for a police area in Wales, the Auditor General may send a copy of the document to the persons to whom a copy of a document may be sent under subsection (2).”.

341 In section 46 (performance standards: relevant bodies), in subsection (1)(d), for “police authority” substitute “police and crime commissioner”.

Drugs Act 2005

342 In the Drugs Act 2005, in section 19 (interpretation), for subsection (7) substitute—

“(7) “Police support officer” means—

- (a) persons appointed by a chief constable under paragraph 4 of Schedule 2 to the Police Reform and Social Responsibility Act (civilian staff of police forces outside London), and
- (b) persons appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4 to that Act (civilian staff of metropolitan police force).”.

Public Services Ombudsman (Wales) Act 2005

343 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

344 In Schedule 2 (excluded matters), in paragraph 1, for “police authority” substitute “police and crime commissioner”.

345 In Schedule 2 (listed authorities), for “police authority” substitute “police and crime commissioner”.

Serious Organised Crime and Police Act 2005

346 The Serious Organised Crime and Police Act 2005.

347 (1) Section 6 (annual plans) is amended in accordance with this paragraph.

(2) In subsection (7)(d)—

- (a) at the beginning insert “each local policing body for an area in England and Wales;”;
- (b) for “Great Britain” substitute “Scotland”.

(3) In subsection (8), for “Great Britain” substitute “Scotland”.

348 (1) Section 7 (annual reports) is amended in accordance with this paragraph.

(2) In subsection (4)(d)—

- (a) at the beginning insert “each local policing body for an area in England and Wales;”;
- (b) for “Great Britain” substitute “Scotland”.

(3) In subsection (5), for “Great Britain” substitute “Scotland”.

349 (1) Section 23 (mutual assistance between SOCA and law enforcement agencies: voluntary arrangements) is amended in accordance with this paragraph.

(2) In subsections (8) and (9), for “relevant police authority” substitute “relevant policing body”.

(3) In subsection (11), in the definition of “relevant police authority”—

(a) for “relevant police authority” substitute “relevant policing body”;

(b) before paragraph (a) insert—

(a) in relation to a police force in England or Wales, the local policing body maintaining that force;,”

(c) in paragraph (a), for “Great Britain” substitute “Scotland”.

350 (1) Section 26 (use by SOCA of police premises etc) is amended in accordance with this paragraph.

(2) In subsection (1)(a), for “relevant police authority” substitute “relevant policing body”.

(3) In subsection (2)—

(a) in paragraph (a), for “relevant police authority” substitute “relevant policing body”;

(b) for “that authority” substitute “that body”.

(4) In subsection (3)—

(a) for “relevant police authority” substitute “relevant policing body”;

(b) in paragraphs (a) and (b), for “that body” substitute “SOCA or that body”.

(5) In subsection (6)—

(a) for “relevant police authority” substitute “relevant policing body”;

(b) for “that authority” substitute “that body”.

(6) In subsection (7)—

(a) for “relevant police authority” substitute “relevant policing body”;

(b) for “the police authority” substitute “the local policing body”.

351 (1) Section 155 (payments by Secretary of State to police authorities in relation to the prevention, detection and enforcement of certain traffic offences) is amended in accordance with this paragraph.

(2) In the title, for “” substitute “”.

(3) In subsection (1), for “police authority” substitute “local policing body”.

352 In Schedule 5 (persons specified for the purposes of section 82), in paragraph 14(a), for “police authority employees” substitute “civilian staff”.

Government of Wales Act 2006

353 The Government of Wales Act 2006 is amended as follows.

354 In section 72 (partnership council), in subsection (5)(c), for “police authorities” substitute “police and crime commissioners”.

355 (1) Part 1 of Schedule 5 (Assembly Measures) is amended in accordance with this paragraph.

(2) In matter 12.3 (conduct of members of relevant authorities), in the definition of “relevant authority”, leave out the words from “, except” to the end.

(3) In matter 15.6, in paragraph (b) of the provision beginning “This matter applies”, for “police authorities” substitute “police and crime commissioners”.

356 In Part 1 of Schedule 7 (Assembly Acts: subjects), in paragraph 12 for “police authorities” substitute “police and crime commissioners”.

London Olympic Games and Paralympic Games Act 2006

357 The London Olympic Games and Paralympic Games Act 2006 is amended as follows.

358 In section 21 (offence), in subsection (4), after “pay to” insert “a local policing body;”.

359 In section 22 (enforcement of power of entry)—

(a) in subsection (8), after “compensation from” insert “a local policing body;”;

(b) in subsection (9), after “A” (at the beginning) insert “local policing body, a”.

360 In section 28 (enforcement of power of entry)—

(a) in subsection (6), after “compensation from” insert “a local policing body;”;

(b) in subsection (7), after “A” (at the beginning) insert “local policing body, a”.

Police and Justice Act 2006

361 The Police and Justice Act 2006 is amended as follows.

362 In section 6 (consultation with APA and ACPO), omit subsection (2)(2)(a).

363 (1) Schedule 1 (National Policing Improvement Agency) is amended as follows.

(2) In paragraph 5 (annual plans)—

(a) in sub-paragraph (6)(b), for “police authority” substitute “local policing body”;

(b) in sub-paragraph (7), for paragraph (b) substitute—

(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(b) the Mayor’s Office for Policing and Crime,

(b) the Common Council of the City of London.”.

(3) In paragraph 6 (strategic priorities), for sub-paragraph (2)(c) (and the word “and” at the end of sub-paragraph (2)(b)) substitute—

(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(b) the Mayor’s Office for Policing and Crime, and

(c) the Common Council of the City of London.”.

(4) In paragraph 7 (chairman and other members)—

(a) for sub-paragraph (2)(a) substitute—

(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(a) the Mayor’s Office for Policing and Crime,

(a) the Common Council of the City of London, and”

(b) in sub-paragraph (4)(a), for “nominated by the Association of Police Authorities” substitute “who is a police and crime commissioner”.

(5) In paragraph 28 (annual reports), in sub-paragraph (4)(b), for “police authority” substitute “local policing body”.

(6) In the italic heading before paragraph 35 (Payments by Agency to police authorities), after “to” insert “local policing bodies”.

(7) In paragraph 35, in sub-paragraph (a), for “police authorities” substitute “local policing bodies”.

(8) In paragraph 48 (power to modify objects, functions and strategy of the Agency), in sub-paragraph (10), for sub-paragraph (b) substitute—

(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(b) the Mayor’s Office for Policing and Crime,

(c) the Common Council of the City of London, and”.

Safeguarding Vulnerable Groups Act 2006

364 In the Safeguarding Vulnerable Groups Act 2006, in Schedule 3 (barred lists), in paragraph 19 (information), in sub-paragraph (4), for “police authority” substitute “local policing body”.

Violent Crime Reduction Act 2006

365 The Violent Crime Reduction Act 2006 is amended as follows.

366 In section 18 (functions of local chief officer of police), for “police authority” (in each place), substitute “local policing body”.

367 In section 19 (guidance about the designation of zones)—

(a) for “police authorities” (in each place) substitute “local policing bodies”;

(b) for “police authority” substitute “local policing body”.

Corporate Manslaughter and Corporate Homicide Act 2007

368 In the Corporate Manslaughter and Corporate Homicide Act 2007, in section 13 (application to police forces), in subsection (3)(b), for “police authority” substitute “local policing body”.

Local Government and Public Involvement in Health Act 2007

369 The Local Government and Public Involvement in Health Act 2007 is amended as follows.

370 In section 104 (application of Chapter 1 of Part 5: partner authorities), for subsection (2)(e) substitute—

“(e) a local policing body;”.

371 In section 123 (joint overview and scrutiny committees), in subsection (7) for “a police authority” substitute “a local policing body”.

372 In section 212 (entities controlled etc by local authorities), in subsection (7), in paragraph (a) of the definition of “local authority”, after “that Act” insert “, apart from a police and crime commissioner”.

Serious Crime Act 2007

373 In the Serious Crime Act 2007, in section 39 (compliance with orders: authorised monitors), in subsection (10), in the definition of “law enforcement agency”—

(a) before paragraph (a) insert—

(a) the chief constable of a police force maintained under section 2 of the Police Act 1996;

(b) the Commissioner of Police of the Metropolis;

(c) the Common Council of the City of London in its capacity as police authority;”;

(b) in paragraph (a), omit “a police authority or”.

Pensions Act 2008

374 (1) In the Pensions Act 2008, section 95 (police) is amended as follows.

(2) In subsection (1), after “by the” insert “relevant local policing body or”.

(3) In subsection (2)—

(a) after “A” (in the first place) insert “local policing body, or a”;

(b) after “relevant” insert “local policing body, or relevant”.

Coroners and Justice Act 2009

375 In the Coroners and Justice Act 2009, in section 24 (provision of staff and accommodation), in subsection (2), for “police authority” substitute “local policing body”.

Local Democracy, Economic Development and Construction Act 2009

376 The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.

377 In section 2 (democratic arrangements of connected authorities)—

(a) for subsection (3)(f) substitute—

“(f) a local policing body;”;

(b) for subsection (5)(e) substitute—

“(e) a local policing body;”.

378 In section 23 (duty of public authorities to secure involvement), in subsection (2), for paragraph (j) substitute—

“(j) the Common Council of the City of London in its capacity as a police authority;”.

379 In section 35 (mutual insurance: supplementary), in subsection (2), for paragraph (k) substitute—

“(k) the Common Council of the City of London in its capacity as a police authority;”.

380 In section 123 (partner authorities), for subsection (2)(d) substitute—

“(d) a local policing body;”.

Policing and Crime Act 2009

381 In the Policing and Crime Act 2009, in section 2 (Police Senior Appointments Panel), omit subsection (1).

Child Poverty Act 2010

382 In the Child Poverty Act 2010, in section 20(2)(b) (partner authorities), for “police authority” substitute “local policing body”.

Equality Act 2010

383 The Equality Act 2010 is amended as follows.

384 In section 1 (public sector duty regarding socio-economic duties), in subsection (3)(k), for “police authority” substitute “police and crime commissioner”.

385 In section 43 (interpretation of section 42)—

(a) in subsection (3), for “police authority” (in each place) substitute “local policing body or police authority”;

(b) in subsection (8), for paragraph (d) substitute—

“(d) the Police Reform and Social Responsibility Act 2011.”.

386 In Schedule 19 (public authorities), in Part 1, for the words from “A police authority” to “section 5B of that Act”, substitute—“A police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011. The Mayor’s Office for Policing and Crime established under section 3 of that Act.”.

“A police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.

The Mayor’s Office for Policing and Crime established under section 3 of that Act.”.—(Nick Herbert.)

Brought up, read the First and Second time, and added to the Bill.

New Schedule 6**‘POLICE: COMPLAINTS***Introduction*

1 The Police Reform Act 2002 is amended in accordance with this Schedule.

Membership and proceedings of Independent Police Complaints Commission

2 In section 9(2)(b) (minimum number of members of Commission), for “ten” substitute “five”.

3 In Schedule 2 (the Independent Police Complaints Commission), in paragraph 10 (proceedings), omit sub-paragraph (6).

Complaints about policing

4 Omit section 14 (direction and control matters).

5 (1) In section 29(1) (interpretation of Part 2), in the definition of “conduct” in subsection (1), for “and statements” substitute “, statements and decisions”.

(2) In Schedule 3 (handling of complaints and conduct matters), in paragraph 4 (reference of complaints to the Commission), after sub-paragraph (7) insert—

“(8) In a case where—

(a) a complaint relates to a direction and control matter, and

(b) there is no obligation under this paragraph for the appropriate authority to refer the complaint to the Commission,

the appropriate authority may refer the complaint to the Commission under this paragraph only if the Commission consents.”.

6 In consequence of paragraph 4—

(a) in section 10 (general functions of the Commission), omit subsection (8);

(b) in section 13 (handling of complaints, conduct matters and DSI matters etc), omit “subject to section 14(1)”.

Power of local policing body to direct chief officer of police to comply with obligations

7 In section 15 (general duties of local policing bodies, chief officers and inspectors), after subsection (2) insert—

“(2A) Subsection (2B) applies in a case where it appears to a local policing body that—

(a) an obligation to act or refrain from acting has arisen by or under this Part,

(b) that obligation is an obligation of the chief officer of police of the police force which is maintained by the local policing body, and

(c) the chief officer has not yet complied with that obligation, or has contravened it.

(2B) The local policing body may direct the chief officer to take such steps as the local policing body thinks appropriate.

(2C) The chief officer must comply with any direction given under subsection (2B)."

Initial handling and recording of complaints

8 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 2 (initial handling and recording of complaints) is amended in accordance with this paragraph.

(2) For sub-paragraph (1) substitute—

"(1) Where a complaint is made to the Commission, it shall give notification of the complaint to the appropriate authority.

(1A) But the Commission need not give that notification if the Commission considers that there are exceptional circumstances that justify its not being given".

(3) Omit sub-paragraph (4).

(4) In sub-paragraph (5)—

(a) in the words before sub-paragraph (a)—

(i) omit the words from "or the Commission" to "sub-paragraph (4)";

(ii) omit "or, as the case may be, the Commission";

(b) omit sub-paragraph (b) (and the word "or" preceding it).

(5) After sub-paragraph (7) insert—

"(8) Nothing in this paragraph shall require the recording by any person of any complaint about any conduct if that person considers that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph."

Handling of complaints by the appropriate authority

9 (1) In Schedule 3 (handling of complaints and conduct matters), for paragraph 6 (handling of complaints by the appropriate authority) substitute—

6 (1) This paragraph applies where a complaint has been recorded by the appropriate authority.

(2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the Commission under paragraph 4, unless the complaint is for the time being—

(a) referred back to the authority under paragraph 5, or

(b) the subject of a determination under paragraph 15.

(3) Subject to paragraph 7, the appropriate authority shall determine whether or not the complaint is suitable for being subjected to local resolution.

(4) If the appropriate authority determines that the complaint is suitable for being subjected to local resolution, it shall make arrangements for it to be so subjected.

(5) If the appropriate authority determines that the complaint is not so suitable, it shall make arrangements for the complaint to be investigated by the authority on its own behalf.

(6) A determination that a complaint is suitable for being subjected to local resolution may not be made unless the following conditions are both met.

(7) The first condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings against the person whose conduct is complained of.

(8) The second condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).

(9) In a case where this paragraph applies to a complaint by virtue of sub-paragraph (2)(b), a determination that the complaint is suitable for being subjected to local resolution may not be made unless the Commission approves the determination.

(10) No more than one application may be made to the Commission for the purposes of sub-paragraph (9) in respect of the same complaint.

(11) Sub-paragraph (9) (where applicable) is in addition to sub-paragraphs (6) to (8)."

(2) In paragraph 7(6)(a) of that Schedule, for "paragraph 6(2)" substitute "paragraph 6(3)".

Disapplication of requirements of Schedule 3 to 2002 Act

10 (1) Schedule 3 (handling of complaints and conduct matters) is amended in accordance with this paragraph.

(2) In the italic heading that precedes paragraph 7 (dispensation by the Commission from requirements of Schedule 3 to 2002 Act), for "Dispensation by the Commission from" substitute "Disapplication of".

(3) Paragraph 7 is amended in accordance with the following provisions of this paragraph.

(4) In sub-paragraph (1), omit "apply to the Commission, in accordance with the regulations, for permission to".

(5) After sub-paragraph (1) insert—

"(1A) But, in a case where paragraph 6 applies by virtue of paragraph 6(2)(a) or (b), the appropriate authority may not handle the complaint in whatever manner (if any) the authority thinks fit unless—

(a) the authority applies to the Commission, in accordance with the regulations, for permission to so handle the complaint, and

(b) the Commission gives permission."

(6) In sub-paragraph (2), for "this paragraph" substitute "sub-paragraph (1A)".

(7) In sub-paragraph (5)—

(a) for the words before paragraph (a) substitute—

"(5) Where the complaint is to be handled in whatever manner (if any) the authority thinks fit (whether or not the Commission's permission is needed), the authority—";

(b) in sub-paragraph (b), for "but for the permission" substitute "if it were not proceeding in accordance with this paragraph".

(8) In sub-paragraph (6)—

(a) after "Where" insert "the appropriate authority applies to the Commission under sub-paragraph (1A) and";

(b) omit "under this paragraph".

Conduct matters arising in civil proceedings

11 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 10 (conduct matters arising in civil proceedings) is amended in accordance with this paragraph.

(2) In sub-paragraph (3), for "record that matter" substitute "determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13 or is one which it would be appropriate to so refer".

(3) For sub-paragraph (4) substitute—

"(4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(4A) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(4B) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(4C) In any other case, the appropriate authority may (but need not) record the matter.

(4D) In a case where the appropriate authority—

(a) records a matter under this paragraph, and

(b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine."

(4) In sub-paragraph (5), for "sub-paragraph (3)" substitute "sub-paragraph (4) or (4B)".

Recording etc of conduct matters in other cases

12 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 11 (recording etc of conduct matters in other cases) is amended in accordance with this paragraph.

(2) In sub-paragraph (1)—

(a) for the words before paragraph (a) substitute—

“(1) This paragraph applies where—”;

(b) omit the words after paragraph (b).

(3) For sub-paragraph (3) substitute—

“(3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer.

(3A) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(3B) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(3C) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(3D) In any other case, the appropriate authority may (but need not) record the matter.

(3E) In a case where the appropriate authority—

(a) records a matter under this paragraph, and

(b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.”.

(4) In sub-paragraph (4), for “sub-paragraph (1)” substitute “sub-paragraph (3A) or (3C)”.

Power to discontinue an investigation

13 (1) Schedule 3 (handling of complaints and conduct matters) is amended in accordance with this paragraph.

(2) In the italic heading that precedes paragraph 21 (power of the commission to discontinue an investigation), omit “of the Commission”.

(3) Paragraph 21 is amended in accordance with the following provisions of this paragraph.

(4) For sub-paragraph (1) substitute—

“(1) The Commission may by order require the discontinuance of the investigation of a complaint or matter if (whether on the application of the appropriate authority or otherwise) it appears to the Commission that—

(a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and

(b) discontinuance of the investigation is within the Commission’s power.

(1A) The appropriate authority that is investigating a complaint or matter may discontinue the investigation if it appears to that authority that—

(a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and

(b) discontinuance of the investigation is not within the Commission’s power.

(1B) For the purposes of this paragraph—

(a) discontinuance of the investigation of a complaint is within the Commission’s power if—

(i) the investigation is being undertaken by the appropriate authority on its own behalf and the complaint is one required to be referred to the Commission under paragraph 4; or

(ii) the investigation is under the supervision or management of the Commission;

(b) discontinuance of the investigation of a matter other than a complaint is within the Commission’s power if the investigation is under the supervision or management of the Commission.”.

(5) After sub-paragraph (3) insert—

“(3A) Where the appropriate authority discontinues an investigation under sub-paragraph (1A), the appropriate authority shall give notification of the discontinuance—

(a) to every person entitled to be kept properly informed in relation to the investigation under section 21; and

(b) in a case where the investigation that is discontinued is an investigation of a complaint, to the complainant.”.

(6) In sub-paragraph (4), for “in accordance with this paragraph” substitute “in accordance with an order under sub-paragraph (1)”.

(7) After sub-paragraph (5) insert—

“(6) Where an investigation of a complaint, recordable conduct matter or DSI matter is discontinued in accordance with sub-paragraph (1A)—

(a) the appropriate authority may take any such steps of a description specified in regulations made by the Secretary of State as he or it considers appropriate for purposes connected with the discontinuance of the investigation; and

(b) subject to the preceding paragraphs, neither the appropriate authority nor the Commission shall take any further action in accordance with the provisions of this Schedule in relation to that complaint or matter.”.

Duties with respect to disciplinary proceedings

14 (1) Schedule 3 is amended in accordance with this paragraph.

(2) In paragraph 23 (action by the Commission in response to an investigation report under paragraph 22), in sub-paragraph (6)(a), after sub-paragraph (i) insert—

(i) whether or not any such person’s performance is unsatisfactory, and”.

(3) In paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22), in sub-paragraph (6)(a), after sub-paragraph (i) insert—

(i) whether or not any such person’s performance is unsatisfactory, and”.

(4) In paragraph 25 (appeals to the Commission with respect to an investigation)—

(a) in sub-paragraph (2)(ba), after “answer” (in the second place) insert “or that such a person’s performance is, or is not, unsatisfactory”;

(b) in sub-paragraph (3), after sub-paragraph (za) insert—

(z) sets out whether the appropriate authority has determined any such person’s performance is, or is not, unsatisfactory;”;

(c) in sub-paragraph (5)(c)(i), after “sub-paragraph (3)(za)” insert “or (zb)”;

(d) in sub-paragraph (9), in the words before sub-paragraph (a), for “considers appropriate or” substitute “considers appropriate, or determines that the appropriate authority has not made a determination as to whether a person’s performance is or is not unsatisfactory, or determines that the appropriate authority”.

(5) In paragraph 27 (duties with respect to disciplinary proceedings), in sub-paragraph (3)—

(a) after sub-paragraph (za) insert—

(z) that the person’s performance is, or is not, unsatisfactory;”;

(b) in sub-paragraph (a), after “conduct” insert “, efficiency or effectiveness”;

(c) in sub-paragraph (b), after “conduct” insert “, efficiency or effectiveness”.

Rights of appeal

15 Schedule 3 (handling of complaints and conduct matters) is amended in accordance with the following paragraphs of this Schedule.

16 In paragraph 3 (failures to notify or record a complaint), after sub-paragraph (3) insert—

“(3A) But the complainant has no right of appeal under sub-paragraph (3) in either of the following cases.

(3B) The first case is where, by virtue of paragraph 2(7), there is no requirement to record the complaint.

(3C) The second case is where—

- (a) the complaint relates to a direction and control matter, and
- (b) the appeal relates to a failure by a local policing body.”.

17 (1) Paragraph 7 (dispensation by the Commission from requirements of Schedule 3 to 2002 Act) is amended in accordance with this paragraph.

(2) After sub-paragraph (7) insert—

“(8) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under this paragraph to handle the complaint otherwise than in accordance with this Schedule or to take no action in relation to it.

(9) But the complainant has no right of appeal in either of the following cases.

(10) The first case is where the appeal relates to a decision for which the Commission has given permission under this paragraph.

(11) The second case is where the complaint relates to a direction and control matter.

(12) On an appeal under this paragraph, subject to sub-paragraphs (13) and (14), the relevant appeal body shall—

- (a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
- (b) if the relevant appeal body finds in the complainant’s favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule;

and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).

(13) Sub-paragraph (12) does not apply in a case where a particular chief officer of police is—

- (a) the person in respect of whose decision the appeal is made under this paragraph, and
- (b) the relevant appeal body in relation to the appeal.

(14) In such a case—

- (a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
- (b) if the appeal finds in the complainant’s favour, the chief officer of police must take such action as the chief officer thinks appropriate for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule.”.

18 For paragraph 9 and the italic heading that precedes it (Appeals relating to local resolution) substitute—

“Appeals relating to complaints dealt with other than by investigation

8A (1) The complainant shall have a right of appeal to the relevant appeal body against the outcome of any complaint that is—

- (a) subjected to local resolution, or
- (b) handled otherwise than in accordance with this Schedule.

(2) But the complainant has no right of appeal if the complaint relates to a direction and control matter.

(3) On an appeal under this paragraph, subject to sub-paragraphs (4) and (5), the relevant appeal body shall—

- (a) determine whether the outcome of the complaint is a proper outcome; and
- (b) if the relevant appeal body finds in the complainant’s favour, give such directions as the relevant appeal body thinks appropriate to the appropriate authority as to the action to be taken in relation to the complaint;

and it shall be the duty of the appropriate authority to comply with any directions given under paragraph (b).

(4) Sub-paragraph (3) does not apply in a case where a chief officer of police is the relevant appeal body in relation to the appeal.

(5) In such a case—

- (a) the appeal shall determine whether the outcome of the complaint is a proper outcome; and
- (b) if the appeal finds in the complainant’s favour, the chief officer of police must take such action as the chief officer thinks appropriate in relation to the complaint.”.

19 (1) Paragraph 21 (power of the Commission to discontinue an investigation) is amended in accordance with this paragraph.

(2) After sub-paragraph (6) (inserted by paragraph 13(7) of this Schedule) insert—

“(7) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under sub-paragraph (1A) to discontinue the investigation of the complaint.

(8) But the complainant has no right of appeal if the complaint relates to a direction and control matter.

(9) On an appeal under this paragraph, subject to sub-paragraphs (10) and (11), the relevant appeal body shall—

- (a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
- (b) if the relevant appeal body finds in the complainant’s favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for investigating the complaint;

and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).

(10) Sub-paragraph (9) does not apply in a case where a particular chief officer of police is—

- (a) the person in respect of whose decision an appeal is made under this paragraph, and
- (b) the relevant appeal body in relation to the appeal.

(11) In such a case—

- (a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
- (b) if the appeal finds in the complainant’s favour, the chief officer of police must take such action as the chief officer thinks appropriate for investigating the complaint.”.

20 (1) In the italic heading that precedes paragraph 25 (appeals to the Commission with respect to an investigation), omit “to the Commission”.

(2) Paragraph 25 is amended in accordance with the following provisions of this paragraph.

(3) In sub-paragraph (2)

- (a) in the words before sub-paragraph (a), for “to the Commission” substitute “to the relevant appeal body”;
- (b) in the words after sub-paragraph (d)—

- (i) for “Commission” substitute “relevant appeal body”;
- (ii) after “this paragraph” insert “(except that the duty to notify the appropriate authority does not apply where that authority is the relevant appeal body).”

(4) After sub-paragraph (2) insert—

“(2ZA) But the complainant has no right of appeal if the complaint relates to a direction and control matter.”.

(5) In sub-paragraph (5), for “Commission” (in each place) substitute “relevant appeal body”.

(6) In sub-paragraph (6)—

(a) for “Commission” (in the first place) substitute “relevant appeal body”;

(b) after “any matter” insert “—

(a) in a case where the Commission is the relevant appeal body;”;

(c) at the end insert “; and

(b) in a case where the appropriate authority is the relevant appeal body, that authority shall take such steps as it considers appropriate for securing that the complainant is properly informed.”.

(7) In subsection (7), for “sub-paragraph (6)” substitute “sub-paragraph (6)(a)”.

(8) In subsection (8)—

(a) after “reconsidered,” insert “in a case where the Commission is the relevant appeal body”;

(b) at the end of paragraph (b) insert “; and

“(none)

in a case where the appropriate authority is the relevant appeal body, that authority shall re-investigate the complaint.”.

(9) In sub-paragraph (9), for “Commission” (in each place) substitute “relevant appeal body”;

(10) In sub-paragraph (9A)—

(a) for “Commission” substitute “relevant appeal body”;

(b) for “it shall direct the appropriate authority” substitute “in a case where the Commission is the relevant appeal body it shall direct the appropriate authority to, or in a case where the appropriate authority is the relevant appeal body it shall”;

(c) in sub-paragraph (a)—

(i) omit “to”;

(ii) omit “the Commission’s”;

(d) in sub-paragraph, omit “to”.

(11) In sub-paragraph (10)—

(a) in the words before paragraph (a), for “Commission” substitute “relevant appeal body”;

(b) in sub-paragraph (a), after “authority” insert “(unless it is the relevant appeal body)”;

(c) in sub-paragraph (d), for “Commission” substitute “relevant appeal body”.

(12) In sub-paragraph (11), for “The Commission” substitute “In a case where the Commission is the relevant appeal body, it”.

(13) In sub-paragraph (13), for “Commission” substitute “relevant appeal body”.

21 In paragraph 29 (minor definitions), before the definition of “gross misconduct” insert—

““direction and control matter” means a matter that relates to the direction and control of a police force by—

(a) the chief officer of police of that force, or

(b) a person for the time being carrying out the functions of the chief officer of police of that force;”.

22 After paragraph 29 insert—

“Appeals: the relevant appeal body

30 (1) The relevant appeal body in relation to an appeal is—

(a) the Commission, in a case where the relevant complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph; or

(b) the chief officer of police who is the appropriate authority in relation to the relevant complaint, in any other case.

(2) In this paragraph and paragraphs 31 and 32—

“appeal” means an appeal under paragraph 7(8), 8A, 21(7) or 25(2);

“relevant complaint”, in relation to an appeal, means the complaint to which the appeal relates.

31 (1) This paragraph applies in a case where—

(a) an appeal is made to the Commission, and

(b) the appropriate authority is the relevant appeal body in relation to the appeal.

(2) The Commission must—

(a) forward the appeal to the appropriate authority; and

(b) notify the person who made the appeal—

(i) that the appropriate authority is the relevant appeal body; and

(ii) the appeal has been forwarded.

(3) The appeal is to be taken to have been—

(a) made to the appropriate authority, and

(b) so made at the time when it is forwarded to the appropriate authority.

32 (1) This paragraph applies in a case where—

(a) an appeal is made to the appropriate authority, and

(b) the Commission is the relevant appeal body in relation to the appeal.

(2) The appropriate authority must—

(a) forward the appeal to the Commission; and

(b) notify the person who made the appeal—

(i) that the Commission is the relevant appeal body; and

(ii) the appeal has been forwarded.

(3) The appeal is to be taken to have been—

(a) made to the Commission, and

(b) so made at the time when it is forwarded to the Commission.”.—(*Nick Herbert.*)

Brought up, read the First and Second time, and added to the Bill.

Ordered,

That certain written evidence already reported to the House be appended to the proceedings of the Committee.—(*Nick Herbert.*)

Question proposed, That the Chairman do report the Bill, as amended, to the House.

Nick Herbert: May I take this opportunity, Mr Chope, to thank you and Mr Benton for your chairmanship of the Committee. I thank those who have worked so hard behind the scenes to ensure the smooth operation of the Committee. I thank the Clerk, of course, and the people who have been painstakingly and patiently transcribing our proceedings and keeping abreast of things, even when the Opposition spokesman and I were not. We are very grateful for their help. I thank the Doorkeepers, who did not have too difficult a job to do. For very obvious reasons, Government Members were present at all times to ensure that we were able to carry the day. I would particularly like to thank the Home Office officials who have been here to support the Government. They have worked very hard to ensure that we have been in a good state with the Bill, which is a priority in government legislation. They have been a great support to Ministers. I thank them very much for their work. It is hard work for officials to keep up with the pace of amendments that are tabled. They often have to work very hard and very late, and I am grateful to them.

[Nick Herbert]

I would like to thank all members of the Committee for the way in which we have discussed the legislation. I know it is a commonplace at the end of Committee proceedings to say, “We have had a good debate and we have considered the matters well,” but I genuinely think that we have had a good debate. We have got to the heart of the issues in the legislation in relation both to policing and to the alcohol provisions. The Government are pleased that the integrity of our proposals has remained intact. Nevertheless, we have been able to make a number of improvements to the legislation. Ministers have conceded that important points have been raised, including by the Opposition, and we have undertaken to go away and give further consideration to them. Having said that, we have had full consideration of the issues. We have not been constrained by time, nor have we had to curtail debate. Its constructive nature will be helpful to those outside this place who are concerned about the issues and want to ensure that we are addressing them fully, so I thank Committee members for the way in which we have debated them.

I would particularly like to thank the lawyers. Where would we have been in consideration of the Bill without the depth, expertise and, indeed, quality of the free advice that we so regularly received? Even though some of the advice was not legible, it was nevertheless immensely gratefully received.

We meet here in this Committee room—I just noticed towards the end of our proceedings—under the portrait of Sir Robert Peel, a great Conservative Prime Minister before the idea of Liberals was invented. He was a social reformer, a repealer of criminal law and also a Home Secretary and founder of modern policing. Sir Robert Peel’s dictum,

“the police are the public and the public are the police”,

and the principles that he established, by which we have policing by consent and a professional modern police force, are ones to which we and the police force continue to subscribe today. I regularly evoke Peel’s principles as we find our way into describing how modern policing should operate. It seems fitting and timely that we should conclude our Committee proceedings under Sir Robert’s watchful gaze.

Vernon Coaker: I want to start by agreeing with everything that the Minister has just said. I particularly thank you, Mr Chope, and the other two Chairs, Mr Streeter and Mr Howarth, who chaired a couple of sittings when you were away on other business, for the way in which you have chaired the meetings. I join the Minister in thanking all the staff who have helped proceedings of the Committee, including the Doorkeepers and *Hansard*. I also mention Mr Rhys, who has been very helpful with the amendments that we have tabled and with giving professional advice on ensuring that they at least conform to the rules and regulations of the House. I also thank

the other two shadow Ministers, the Whip and the Back Benchers. It has been extremely helpful at times to have two minutes to find where I am while they make a contribution. I also thank them for the validity and rigour of their contributions. I am grateful for the help of all my hon. Friends.

I agree with the Minister on the quality and standard of our debate. There is a big difference between us, but I have always thought that we can get angry about the principles of Bills, without getting angry with each other. That usually makes a huge difference. When I first started teaching, I once called a pupil, “You stupid kid,” and it caused a bit of a row with the parents. I was told by an older teacher, “Don’t call the kid stupid, call what they did stupid.” The point I was going to make was exactly the same, but not with the word “stupid”.

In all sincerity, I have appreciated the way in which the Minister has conducted the debate and discussions with me, and I hope that we have improved the Bill. This is slightly tongue in cheek, but I thank the Liberals for demonstrating something that I had never seen before. They moved amendments, and then voted against them. That was amusing to us. The hon. Members for Edinburgh West and for Cambridge are new Members of Parliament, but have contributed significantly to the deliberations of the Committee. Having slightly taken the mick, I should say that their contribution was important and interesting. I also thank the hon. Member for Northampton North for his advice all through the proceedings of the Committee. He must be good at it, because at the end the Minister started to try to steal my legal brief.

We have scrutinised the Bill and the two Whips have worked extremely well to ensure that we had time to discuss it. Hopefully, the scrutiny that the Committee has given it, whether we agree with all the Bill or not, at least helps to improve some of the detail. We look forward to continuing the debate and discussion on Report.

The Chair: I, on behalf of my fellow Chairman, thank you for your kind and generous comments. Thank you for the respect that you have shown to the Chair throughout. I add my thanks to the Clerks, the Doorkeepers and to the shorthand writers for all the work they have done. This Committee has been conducted in an exemplary fashion, with good humour throughout, which has facilitated a proper discussion of the Bill. The only sympathy I will express is for the only Committee member who has not been able to utter a word. I express my thanks to the hon. Member for Brentford and Isleworth for being here throughout and listening to the proceedings.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

2.45 pm

Committee rose.