

**Report of the Chief Executive to the Chair and Members  
of the Policy & Resources Panel  
30<sup>th</sup> June 2011**

**Executive Officer: Mrs Julie Leng, Acting Chief Executive  
Presenting Officer: Dr Neville Cameron, Service Improvement Manager**

**Status: For Information**

## **Legislation Update**

### **1 Purpose of the Report**

1.1 To outline recent and proposed legislation relevant to Police Authorities.

### **2 Recommendation**

2.1 Members note the details of legislation outlined in Appendix A.

### **3 Reasons**

3.1 Members are provided with an update of recent and proposed legislation relevant to Police Authorities at two meetings annually - the last update was provided at the Policy & Resources Panel on 16 December 2010.

- 3.2 It is seen as excellent practice for Police Authorities to monitor and report changes to legislation in order to plan for appropriate compliance and scrutiny.
- 3.3 Acts of Parliament given Royal Assent and Draft Bills of Parliament currently in review in the House of Commons or House of Lords, pertinent to Police Authority business, are listed in Appendix A.

## **4 Implications**

### **4.1 Finance**

There are no direct financial implications.

### **4.2 Diversity and Equal Opportunities**

The Single Equality Scheme is regularly reviewed in light of any changing diversity and anti-discrimination requirements emanating from the Equality Act 2010.

### **4.3 Human Rights Act**

There are no human rights implications.

### **4.4 Sustainability**

The Authority has management controls in place that enable it to effectively monitor and implement the requirements of new legislation.

### **4.5 Risk Assessment**

The Authority will seek to effectively follow the requirements of relevant legislation in the provision of services and in management practices. If there is discretion within the law, the Authority will risk assess practices when there is a risk of legal claims or damage to reputation.

## **5 Conclusion**

- 5.1 The Authority constantly reviews current and proposed legislation to ensure that it is understood and put into practice, as appropriate and required.
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**Julie Leng**  
**Acting Chief Executive**

## OUTLINE OF NEW AND PROPOSED LEGISLATION

(from 16 December 2010 – 31 May 2011)

### Acts of Parliament

So far, four Acts of Parliament have been introduced in 2011. On analysis of the content, these Acts have no immediate impact on Cleveland Police Authority.

### Draft Bills Before Parliament

*The following section outlines the Bills which are currently in review in Parliament. Status information and summary text has been extracted from the Parliament UK website ([www.parliament.uk](http://www.parliament.uk)).*

#### 1. Police Reform and Social Responsibility Bill, May 2010.

Status:

*1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Readings: House of Commons, completed 31 March 2011*

*1st reading: House of Lords, 1 April 2011*

*2nd reading: House of Lords, 27 April 2011*

*Committee: 1st sitting: House of Lords, 11 May 2011*

*Committee: 2nd sitting: House of Lords, 18 May 2011*

*Committee: 3rd sitting: House of Lords, 24 May 2011*

*Committee stage: House of Lords, 6 June 2011*

*Committee stage: House of Lords, 9 June 2011*

*Committee stage: House of Lords, 16 June 2011*

The Bill covers five distinct policy areas:

1. Police Accountability and Governance;
2. Alcohol Licensing;
3. The Regulation of Protests around Parliament Square;
4. Misuse of Drugs; And
5. The Issue of Arrest Warrants in Respect of Private Prosecutions for Universal Jurisdiction Offences.

Key areas:

- Replaces police authorities with directly elected Police and Crime Commissioners, with the aim of improving police accountability

- Amends and supplements the Licensing Act 2003 with the intention of 'rebalancing' it in favour of local authorities, the police and local communities
- Sets out a new framework for regulating protests around Parliament Square. Relevant sections of the Serious Organised Crime and Police Act 2005 would be repealed and the police would be given new powers to prevent encampments and the use of amplified noise equipment
- Enables the Home Secretary to temporarily ban drugs for up to a year, and removes the statutory requirement for the Advisory Council on the Misuse of Drugs to include members with experience in specified activities
- Introduces a new requirement for private prosecutors to obtain the consent of the Director of Public Prosecutions prior to the issue of an arrest warrant for 'universal jurisdiction' offences such as war crimes or torture. The Government's aim in introducing this change is to prevent the courts being used for political purposes. Line by line examination of the Bill took place during the third day of committee stage on 24 May. Amendments discussed covered schedules 1-4 and clauses 2-9 of the Bill. Committee stage continued on 6 June when further amendments were discussed.

*Update:*

The Government suffered an unexpected defeat over its Police Commissioner plans on 11 May 2011 when peers backed a Lib Dem amendment saying Commissioners should be appointed - not elected - by 188 votes to 176.

A line by line examination of the Bill took place during the third day of the House of Lords Committee Stage on 24 May 2011, where amendments were discussed. A fourth marshalled list of amendments, to be moved in Committee, was published online on 3 June 2011. The House of Lords will return to the key issues at the next report stage in late June or early July with the Bill expected to return to the House of Commons in mid-July.

## 2. Police Terms and Conditions of Service (Redundancy) Bill 2010-11

Status:

*1st reading: House of Commons, 20 October 2010*

*2nd reading: House of Commons, 14 October 2011*

A Bill to make provision for police officers to be offered, or be made subject to, terms of redundancy, to set out the circumstances in which such redundancies can be made and for connected purposes.

On 20 October 2010, the House of Commons was asked, under the Ten Minute Rule motion, to give leave for this Bill to be introduced. The sponsor was allowed 10 minutes to support the Bill and there was ten minutes for other MPs to comment.

The House agreed and the Bill was read a first time. This Bill will be on the Order Paper for a Second Reading debate on 14 October 2011, although the House is not expected to sit on this day. *Note: This Bill is a Private Member's Bill which is not printed until close to a Second Reading debate and therefore this is for information purposes.*

### 3. Prevention of Terrorism Bill 2010-11

Status:

*1st reading: House of Commons, 2 March 2011*

*2nd reading: House of Commons 10 June 2011*

This Bill, to make provision about the prevention of terrorism, was presented to Parliament on 2 March 2011. This is known as First Reading and there was no debate on the Bill at this stage. This Bill will be on the Order Paper for a Second Reading debate on 10 June 2011. *Note: This Bill is a Private Member's Bill which is not printed until close to a Second Reading debate and therefore this is for information purposes.*

### 4. Terrorism Prevention and Investigation Measures Bill 2010-11

Status:

*1st reading: House of Commons (no debate), 23 May 2011*

*2nd reading: House of Commons, 7 June 2011*

The Coalition's Programme for Government, launched by the Prime Minister and Deputy Prime Minister on 20 May 2010, stated that the Government would "urgently review control orders as part of a wider review of counter-terrorist legislation, measures and programmes". The provisions in the Bill follow on from the Coalition Government's 'Review of Counter-Terrorism and Security Powers', published in January 2011.

The review findings and recommendations included a commitment to repeal the 2005 Act and introduce a new system of Terrorism Prevention and Investigation Measures (TPIMs). These would be a civil preventative measure intended to protect the public from the risk posed by suspected terrorists who can be neither prosecuted nor, in the case of foreign nationals, deported, by imposing restrictions intended to prevent or disrupt their engagement in terrorism-related activity. The regime would be capable of imposing less intrusive restrictions than those available under control orders, and there would be increased safeguards for the civil liberties of those subject to the measures.

## 5. Localism Bill 2010-11

Status:

*1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Readings: House of Commons, completed 18 May 2011*

*1<sup>st</sup> Reading: House of Lords, 19 May 2011*

*2nd reading: House of Lords, 7 June 2011*

The Bill will devolve greater powers to councils and neighbourhoods. The provisions relating to councils include:

- Giving councils a general power of competence
- Allowing councils to choose to return to the committee system of governance and allowing for referendums for elected mayors in certain authorities
- Abolishing the standards board regime and the model code of conduct, and introducing local accountability and a criminal offence of deliberate failure to declare a personal interest in a matter
- Giving residents the power to instigate local referendums on any local issue and the power to veto excessive council tax increases
- Allowing councils more discretion over business rate relief
- Providing new powers to help save local facilities and services threatened with closure, and giving voluntary and community groups the right to challenge local authorities over their services.

The Bill makes a number of proposed amendments to the Fire and Rescue Services Act 2004 to provide for a new general power to Fire and Rescue Authorities (FRAs) although it differs from the new general power of competence for local authorities - it also sets out activities for which FRAs may and may not charge. There is however no direct reference as to how Police Authorities will be affected by the Localism Bill.

## 6. Criminal Justice (Amendment) Bill 2010-11

Status:

*1st reading: House of Commons, 16 February 2011*

*2nd reading: House of Commons, Date to be announced*

A Bill to make provision requiring certain prisoners due to be considered for early release to complete a relevant offender management programme, where available; to require courts to take regard of mental health problems in sentencing; to make provision regarding minimum and maximum sentences; and for connected purposes.

7. Dangerous and Reckless Cycling (Offences) Bill 2010-11

Status:

*1st reading: House of Commons, 22 March 2011*

*2nd reading: House of Commons, 4 November 2011*

A Bill creating new offences of causing death or serious injury through dangerous or reckless cycling - to make provision regarding minimum sentencing and fines for those convicted of such offences and for connected purposes.

8. Dangerous and Reckless Driving (Maximum Sentence) Bill 2010-11

Status:

*1st reading: House of Commons, 17 May 2011*

*2nd reading: House of Commons, 9 September 2011*

A Bill to increase the maximum sentence for a conviction of dangerous driving from two years to seven years; and for connected purposes

9. Energy Bill 2010-11

Status:

*Programme Motion: House of Commons, 10 May 2011*

*Money Resolution: House of Commons, 10 May 2011*

*Ways and Means Resolution: House of Commons, 10 May 2011*

*2nd reading: House of Commons, 10 May 2011*

*Committee stage: House of Commons, 7 June 2011*

The flagship policy in the Bill is the 'Green Deal', a scheme whereby householders, private landlords and businesses would be given finance upfront to make energy efficiency improvements, which would then be paid for by energy bill savings. It also introduces a range of other provisions. Key areas are:

- Establishes a new obligation on energy companies to help certain groups of consumers, who need extra support, with saving energy
- Facilitates the roll-out of smart meters
- Widens access to energy performance certificates
- Makes information on energy bills clearer
- Introduces measures designed to help improve energy security and to encourage low carbon generation
- Grants additional powers to the coal authority to charge for certain services.

#### 10. Equality and Diversity (Reform) Bill 2010-11

Status:

*1<sup>st</sup> Reading: House of Commons, 21 October 2010*

*2nd reading: House of Commons, 21 October 2011*

A Bill to prohibit the use of affirmative and positive action in recruitment and appointment processes; to repeal the Sex Discrimination (Election Candidates) Act 2002; and for connected purposes. *Note: This Bill is a Private Member's Bill which is not printed until close to a Second Reading debate and therefore this is for information purposes.*

#### 11. Freedom of Information (Amendment) Bill 2010-11

Status:

*1<sup>st</sup> Reading: House of Commons, 7 September 2010*

*2nd reading: House of Commons, 17 June 2011*

A Bill to amend the Freedom of Information Act 2000 to remove provisions permitting Ministers to overrule decisions of the Information Commissioner and Information Tribunal; to limit the time allowed for public authorities to respond to requests involving consideration of the public interest; to amend the definition of public authorities; and for connected purposes. *Note: This Bill is a Private Member's Bill which is often not printed until close to a Second Reading debate and therefore this is for information purposes.*

#### 12. Health and Safety at Work (Amendment) Bill 2010-11

Status:

*1<sup>st</sup> Reading: House of Commons, 21 October 2010*

*2nd reading: House of Commons, 1 July 2011*

A Bill to amend the Health and Safety at Work etc Act 1974 in respect of systems of risk assessment; to make provision for separate requirements for play, leisure and work-based activities; to introduce simplified risk assessments for schools; and for connected purposes. *Note: This Bill is a Private Member's Bill which is often not printed until close to a Second Reading debate and therefore this is for information purposes.*

### 13. Young Offenders (Parental Responsibility) Bill 2010-11

Status:

*1<sup>st</sup> Reading: House of Commons, 5 July 2010*

*2nd reading: House of Commons, 9 March 2012*

A Bill to make provision for a mechanism to hold individuals to account for any criminal sanctions imposed upon young people for whom those individuals hold parental responsibility; and for connected purposes. *Note: This Bill is a Private Member's Bill which is often not printed until close to a Second Reading debate and therefore this is for information purposes.*