

Impact Assessment, The Home Office

Title: Criminal Justice Bill Overview IA IA No: IA HO0477 RPC Reference No: Other departments or agencies: HMT, MoJ	Date: November 2023
	Stage: FINAL
	Intervention: Domestic
	Measure: Primary legislation
	Enquiries: crimeandjusticebillteam@homeoffice.gov.uk
RPC Opinion: RPC Opinion Status	Business Impact Target: Not a regulatory provision

Cost of Preferred (or more likely) Option (in 2024/25 prices)

Net Present Social Value NPSV (£m)	286.8	Business Net Present Value BNPV (£m)	-0.6	Net cost to business per year EANDCB (£m)	0.01
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What is the problem under consideration? Why is government intervention necessary?

The Crime Survey for England and Wales shows overall crime, on a like for like basis, has decreased by 56 per cent since 2010. But with approximately 6.74 million crimes recorded by the police in England and Wales in 2022/23, the level of crime and anti-social behaviour can still be reduced further. More needs to be done to protect the public and communities from these crimes and anti-social behaviour. Government intervention is required to legislate to protect the public from harm and support and strengthen the Criminal Justice System's (CJS) response to crime and anti-social behaviour (ASB).

What is the strategic objective? What are the main policy objectives and intended effects?

The Policy Objectives of this Bill are to:

- 1) To protect the public from violence and intimidation.
- 2) To enable law enforcement agencies to respond to changing technology deployed by criminals, through the provision of new powers which address emerging crime types and threats.
- 3) To strengthen public confidence in policing.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1: 'Do-nothing': No changes are made to law enforcement and criminal justice processes. This does not meet the government's objectives.

Option 2: Full implementation, in which all measures outlined in Tables 1, 2, and 3 below are introduced. This is the government's preferred objective as it meets strategic and policy objectives.

Main assumptions/sensitivities and economic/analytical risks	Discount rate (%)	3.5
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Future volumes of criminal activity and anti-social behaviour are highly uncertain. Thus, the future Law Enforcement and CJS costs associated with the measures in this bill are uncertain.

Will the policy be reviewed? It will/will not be reviewed. **If applicable, set review date:** Month/Year

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible SELECT SIGNATORY: Chris Philp Date: 13 November 2023

Summary: Analysis & Evidence

Policy Option 2

Description: Full implementation, in which all measures outlined in Tables 1, 2 and 3 below are introduced.

FULL ECONOMIC ASSESSMENT

Year(s):	Price Base	2024/25	PV Base	2024/25	Appraisal	10	Transition	1
Estimate of Net Present Social Value NPSV (£m)						Estimate of BNPV (£m)		
Low:	144.3	High:	289.8	Best:	286.8	Best BNPV	-0.6	

COSTS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	23.4	92.1	115.4	11.1	0.1
High	59.3	250.4	309.5	32.1	2.0
Best Estimate	37.2	147.0	184.1	18.4	0.7

Description and scale of key monetised costs by 'main affected groups'

Of the set up costs, key monetised costs include prison construction costs. The central estimate for prison construction costs is £31.4 million. Of the ongoing costs, costs to HMPPS generate a central estimate of £65.6 million. Ongoing costs to the criminal justice system are estimated to centrally cost £15.1 million. Total costs to HMCTS are estimated in the central scenario to be £19.6 million.

Other key non-monetised costs by 'main affected groups'

Several non-monetised costs have been identified due to uncertainty and a lack of data. These include an increase in drug treatment demand, opportunity cost from increased police caseloads and the number of appeals to the Police Appeals Tribunal.

BENEFITS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	0.0	259.6	259.6	30.0	0.1
High	0.0	599.3	599.3	69.1	0.1
Best Estimate	0.0	470.8	470.8	54.5	0.1

Description and scale of key monetised benefits by 'main affected groups'

Key monetised benefits include the Suspended Accounts Scheme, generating a central estimate of £355 million, and the reform of the confiscation regime, generating a central estimate of £89.0 million. Other monetised benefits include the recovery of additional stolen items from the Powers of Entry measure.

Other key non-monetised benefits by 'main affected groups'

There are a range of other intended benefits that have not been monetised due to uncertainty and a lack of data on the quantifiable impacts of the measures. These include; a reduction in anti-social behaviour; a reduction in knife crime; a reduction in cyber crime and fraud; a reduction in serious crime and the deterrence of corporate criminal behaviour.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:										
Cost, £m	0.01	Benefit, £m	NA	Net, £m	-0.01					
Score for Business Impact Target (qualifying provisions only) £m:										
Is this measure likely to impact on trade and investment?										
N										
Are any of these organisations in scope?			Micro	Y	Small	Y	Medium	Y	Large	Y
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)					Traded:	NA	Non-Traded:	NA		

PEOPLE AND SPECIFIC IMPACTS ASSESSMENT (Option 2)

Are all relevant Specific Impacts included?	Y	Are there any impacts on particular groups?	N
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Evidence Base (for summary sheets)

1. This impact assessment (IA) is a summary of the Home Office measures covered in the Criminal Justice Bill (“the Bill”) which are intended for introduction stage.
2. The measures appraised are listed in Tables 1 to 3 below.

Table 1: Pillar 1 - Protecting the public from violence and intimidation

Proposal	Policies included
Expansion of Drug Testing on Arrest (DToA)	<ul style="list-style-type: none"> • Increase the range of drugs which can be tested for from specified Class A drugs to include specified Class B and Class C drugs
Replacement of the Vagrancy Act 1824 (VA 1824)	<ul style="list-style-type: none"> • Replace the VA 1824 with a comprehensive, modern equivalent • Introduce new Nuisance Begging Protection Notice (BPN) and Nuisance Begging Prevention Order (BPO) powers as well as Nuisance Rough Sleeping Prevention Notices and Nuisance Rough Sleeping Prevention Orders. • Introduce a new move-on power for police and local authorities for nuisance begging and nuisance rough sleeping. • Introduce a new criminal offence of organised begging and a new offence of nuisance begging. • Introduce a modern version of the enclosed premises provision contained within in the VA 1824.
Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)	<ul style="list-style-type: none"> • Extend the timeframe for a dispersal order • Lower the age for a Community Protection Notice (CPN) from 16 to 10 • Increase the upper limit for a Fixed Penalty Notice (FPN) for breaches of a Public Space Protection Order (PSPO) and a CPN from £100 to £500 • Extend the timeframe to apply for a Closure Order from 48 hours to 72 hours • Extend the Closure Power to registered housing providers • Extend the power of arrest to all breaches of a Civil Injunction • Extend the powers under the Community Safety Accreditation Scheme (CSAS) to allow officers to enforce breaches of CPNs and PSPOs • Extend the power to issue a PSPO to police
Community Safety Partnerships (CSPs)	<ul style="list-style-type: none"> • Implement legislation to improve collaborative working between CSPs and Police and Crime Commissioners (PCCs)
Knife crime	<ul style="list-style-type: none"> • Introduce powers for police to seize, retain and destroy bladed articles held in private • Increase the maximum penalty for the possession, importation, manufacture, sale and general supply of prohibited and dangerous weapons and sale of knives to persons under 18 years of age, to two years • Introduce a new offence of possession of a bladed article with intent to use in unlawful violence.

Table 2: Pillar 2 - Enable law enforcement to respond to emerging crime types and threats

Proposal	Measures included
SIM farms	<ul style="list-style-type: none"> Legislate to introduce a criminal offence to supply or possess a SIM farm, subject to certain exemptions
Domain names and IP addresses suspension	<ul style="list-style-type: none"> Implement a new court order to ensure that law enforcement (LE) agencies can effectively suspend domain names and Internet Protocol (IP) addresses when they enable crime such as fraud, scamming or malware distribution
Suspended Accounts Scheme	<ul style="list-style-type: none"> Introduce a voluntary scheme to facilitate the transfer of funds that represent the balances of suspended suspected criminal accounts to HM Government to fund projects to tackle economic crime, and which will deliver HMG's ambition to cut fraud and reduce money laundering.
Reform of the Confiscation Regime	<ul style="list-style-type: none"> Reform the confiscation regime contained in Part 2 of the Proceeds of Crime Act 2002 (POCA 2002) to deliver a more efficient, realistic and fair enforcement of confiscation orders.
Articles used in serious crime and vehicle theft	<ul style="list-style-type: none"> Introduce four new criminal offences where a person makes, modifies, imports, supplies, offers to supply, or possesses specified articles where there are reasonable grounds to suspect that they will be used in serious crime or vehicle theft
Serious Crime Prevention Orders (SCPOs)	<ul style="list-style-type: none"> Add to the list of organisations who can apply direct to the High Court for an SCPO Enable the Crown Court to make an SCPO on acquittal Provide the courts with an express power to impose electronic monitoring as a condition of an SCPO Provide that all SCPOs automatically impose a prescribed set of notification requirements
Reform of the Identification Doctrine (IDD)	<ul style="list-style-type: none"> Create a statutory model for the IDD for all crimes to provide legislative certainty, ensuring senior management are in scope of the regime

Table 3: Pillar 3 - Strengthening public confidence in policing

Proposal	Measures included
Appeal Routes to the Police Appeals Tribunal	<ul style="list-style-type: none"> Enable provisions to be made which will allow chief officers to appeal to the Police Appeals Tribunal in respect of disciplinary decisions relating to officers in their force. Enable provisions to be made which allow local policing bodies to appeal to the Police Appeals Tribunal in respect of disciplinary decisions relating to the chief officer of their force.
Introduce Code of Practice relating to Ethical Policing	<ul style="list-style-type: none"> To place a statutory duty on the College of Policing to issue a Code of Practice for ethical policing, and for that Code of Practice to include a duty of candour.
Powers of Entry to search and seize stolen property	<ul style="list-style-type: none"> Create a new power for police to enter premises without a warrant for the purpose of searching for and seizing specific stolen items, subject to an appropriate threshold.
DVLA Data	<ul style="list-style-type: none"> Regularises access by-authorised persons in specified bodies to driving licence data for policing and law enforcement purposes. It also inserts a new s.71A which provides the Secretary of State with a power to issue a Code of Practice concerning the use of data.

A. Strategic objective and overview

A.1 Strategic objective

3. Successive governments since 2010 have cracked down on criminals and imposed the toughest sentences for the most serious offenders. The work of the police and other criminal justice agencies, working with the public, local authorities and other partners, crime has fallen significantly since 2010. The Crime Survey for England and Wales indicates that overall crime, measured on a like for like basis, has decreased by 56 per cent. Neighbourhood crime – including thefts from the person, personal robberies, and domestic burglaries and vehicle crime – is down 50 per cent and violent crime has fallen by 52 per cent.
4. The government has delivered on its commitment to recruit 20,000 new police officers ensuring that there are now more police in England and Wales than ever before. In addition, the government has passed landmark legislation such as the Domestic Abuse Act 2021, Police, Crime, Sentencing and Courts Act 2022 and Public Order Act 2023, which together brought in tougher penalties for the worst kinds of criminals, places victims at the heart of investigations and minimises unacceptable disruption to the general public.
5. The government has empowered police to make full use of their powers, including removing restrictions on stop and search which has contributed, along with other targeted police action, to over 100,000 knives and dangerous weapons being removed from our streets since 2019.
6. The government has given the police the resource and powers they need to tackle crime at every level. In the past year, the government has acted to reduce unnecessary burdens on policing such as paperwork and the time being spent attending calls about non-dangerous mental health incidents, so that officers can get back out on the streets, investigate crime, and focus on keeping the public safe.
7. The government strongly believes that there is no such thing as a ‘minor’ crime and police forces have committed to follow all reasonable lines of enquiry when dealing with crime, alongside strengthening police visibility and responsiveness.
8. While the Crime Survey shows that crime has fallen, it is still far too high, significantly impacting on victims’ lives and blighting communities. Legislation is needed to enable law enforcement agencies and their partners to respond effectively in tackling crime and anti-social behaviour at every level to make communities safe. The Criminal Justice Bill includes measures to this end which deliver on three strategic objectives:
 - protect the public from violence and intimidation;
 - enable law enforcement agencies to respond to changing technology deployed by criminals, including by equipping them with sufficient powers to address emerging crime types and threats;
 - strengthen public confidence in policing.

Pillar 1: Protect the public from violence and intimidation.

9. Expanding police powers to drug test more suspects on arrest; enhancing the accountability of community safety partnerships; and by giving the police and other agencies more levers to tackle anti-social behaviour that blights communities.
10. Further strengthening the ability of law enforcement agencies to clamp down on knife crime, including: creating a power to seize, retain and destroy bladed articles found on private property; increase the maximum penalty for importating, manufacturing etc. prohibited weapons and selling knives to under 18s; and creation of a criminal offence to possess a bladed article with the intent to use in unlawful violence.

11. A package of measures to tackle nuisance begging and rough sleeping where it causes damage, disruption or distress to the public, while avoiding criminalising the genuinely vulnerable. This includes creation of a new offence to tackle organised begging; move on powers for nuisance rough sleeping and begging; and the creation of new civil notices and orders to prevent nuisance begging and rough sleeping that is likely to cause damage, distress, harassment, disruption, health, safety or security risk.

Pillar 2: Enable law enforcement agencies to respond to changing technology deployed by criminals, including by equipping them with sufficient powers to address emerging crime types and threats.

12. Prohibiting articles used in serious crime (including templates for 3D printed firearm components, pill presses and vehicle concealments), banning electronic devices such as signal jammers used in vehicle theft and strengthening the operation of SCPOs to streamline the process for police and other law enforcement agencies to place restrictions on offenders or suspected offenders and stop them from participating in further crime.
13. Strengthen the tools available to law enforcement agencies to tackle economic crime including prohibiting possession and supply of SIM farms with no legitimate purpose; reform of the confiscation powers used to strip convicted criminals of their proceeds of crime; extending the powers of law enforcement agencies to suspend domain names and IP addresses used for criminal purposes; creation of a scheme to release funds representing balances of accounts suspended on suspicion of crime to fund projects to tackle economic crime; further expanding the 'Identification Doctrine' so that companies can be held criminally responsible when the directing mind behind that company commits a crime.

Pillar 3: Strengthening public confidence in policing.

14. The public must have confidence that police officers act professionally at all times and uphold the highest standards of conduct and that police forces will take action in the small minority of cases where individual officers fall short of the standards expected of them.
15. Recent and historical cases have exposed police forces acting defensively and without transparency regarding their mistakes and wrongdoing. The Home Office wants to impose a duty on the College of Policing to issue a Code of Practice for ethical policing, and for that Code of Practice to include a duty of candour. Directing the College to produce statutory guidance related to ethical behaviour will give it sufficient prominence and encourage chief officers to ensure candour within the forces they lead.
16. To ensure that chief officers are able to effectively challenge misconduct panel decisions relating to officers in their force in a more timely and cost-effective manner, the Bill will provide for a statutory right of appeal to the Police Appeals Tribunal, bringing helpful parity to the system given officers' own existing statutory right of appeal.
17. To ensure all police forces and law enforcement bodies which need access to DVLA driving licence data have that access explicitly provided in law. To allow for future changes to regulations which will allow the data to be used for additional policing and law enforcement purposes while retaining public confidence in the police use of data.

A.2 Background

Pillar 1: Protecting the public from violence and intimidation

18. **Expansion of Drug Testing on Arrest (DToA):** DToA was introduced as part of the Drug Interventions Programme in 2003.¹ This allowed police to test for the presence of specified Class A drugs where a particular trigger offence was committed or where it suspected that the use of specified Class A drugs had caused or contributed to the offence and an Inspector or higher

¹ Microsoft Word - DIP Operational Handbook - FINAL.doc (publishing.service.gov.uk), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118069/DIP-Operational-Handbook.pdf

authorises the test. In its response to Part 2 of the Dame Carol Black Review of Drugs², the Home Office committed to support an increase in the use of and expansion of DToA. In 2022, the 'Swift, Certain, Tough: New Consequences for Drug Possession' White Paper³ proposed three reforms to DToA. One of these proposals was the expansion of the range of drugs which can be tested for to Class B and C drugs, and the Home Office is introducing this expansion in the Criminal Justice Bill.

19. **Replacement of the Vagrancy Act 1824 (VA 1824):** The Department for Levelling Up, Housing and Communities (DLUHC) produced a Rough Sleeping Strategy⁴ (refreshed in 2022), which committed to repeal and replace the VA 1824. The VA 1824 contains criminal offences relating to begging, some forms of rough sleeping and being found in an enclosed space for an unlawful purpose. Current use of the VA 1824 by police forces across England and Wales is varied, in large part because it is seen as not appropriate for modern times. The government wants to help vulnerable individuals on the street into the appropriate support while ensuring police and local authorities can respond effectively to address legitimate public concerns over rough sleeping and other street activity where it is causing a public nuisance, such as by obstruction of doorways and pavements, and to clear the debris, tents and paraphernalia, while ensuring those genuinely homeless and with complex needs are directed to appropriate support.
20. **Reform of the powers to tackle anti-social behaviour in the Anti-social Behaviour, Crime and Policing Act 2014:** The Home Office determined through engagement for the Anti-Social Behaviour Action Plan 2023⁵ that the police, local authorities and other relevant agencies required expanding powers to effectively deal with ASB with local communities. While the police, local authorities and other agencies already have a range of powers to deal with anti-social behaviour (ASB), they do not use them consistently, or, at times, enough. The Criminal Justice Bill contains provisions to extend the powers contained within the ASBCP 2014. Expanding these powers is intended to allow the relevant agencies to deal with ASB more effectively and to lead to a reduction in ASB incidents and improve the quality of life for local people.
21. **Community Safety Partnerships (CSPs):** CSPs were introduced by section 6 of the Crime and Disorder Act 1998 and bring together local partners including, Police, Probation, Fire and Rescue, local authorities and Health, to formulate and deliver strategies to deal with crime and disorder. The Police and Crime Commissioner (PCC) Review⁶ conducted by the Home Office in 2021, found that while the importance of local partnerships such as CSPs was widely acknowledged, they were not being used as effectively as they could be. The PCC Review recommended that the Government should consider introducing a new duty for CSPs to report to PCCs on their local ASB strategy and delivery, and legislate to set out the PCC's role in the ASB Case Review process.
22. **Knife crime:** The knife crime provisions in the Bill are in response to significant public and Parliamentary concern about knife crime. The government ran a public consultation in 2023, which sought views on legislative proposals to tackle knife crime.⁷ Three of the proposals consulted on require primary legislation and are included in the Bill.

Pillar 2: Increasing Law Enforcement powers to counter emerging crime

23. **SIM farms:** SIM Farms are devices that are capable of using five or more removable physical SIM cards simultaneously or interchangeably, for the purpose of making telephone calls or sending Short Message Service (SMS) text messages. Whilst SIM farms can be used for legitimate purposes such

² Government response to the independent review of drugs by Dame Carol Black - GOV.UK: <https://www.gov.uk/government/publications/independent-review-of-drugs-by-dame-carol-black-government-response/government-response-to-the-independent-review-of-drugs-by-dame-carol-black>

³ From harm to hope: a 10-year drugs plan to cut crime and save lives (publishing.service.gov.uk): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079147/From_harm_to_hope_PDF.pdf

⁴ Ending rough sleeping for good policy paper: <https://www.gov.uk/government/publications/ending-rough-sleeping-for-good>

⁵ Anti-Social Behaviour Action Plan: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

⁶ Terms of Reference: Police and Crime Commissioner Review Part 2: <https://www.gov.uk/government/publications/part-2-of-the-police-and-crime-commissioner-review/terms-of-reference-police-and-crime-commissioner-review-part-2-accessible>

⁷ Consultation on new knife legislation proposals to tackle the use of machetes and other bladed articles in crime (publishing.service.gov.uk)

as to improve the quality of a data connection, they are frequently used by fraudsters to send out large volumes of texts or calls.

24. **Domain names and IP addresses suspension:** Criminal actors can use domain names and/or IP addresses to carry out crime and manage remote services and systems such as individual crime sites or botnets⁸. When domain names and devices associated with IP addresses are being used to conduct criminal activities, law enforcement agencies need to be able to act to block access to those domain names and IP addresses. Equipping law enforcement with the necessary powers to suspend access to cyber enabled criminality can prevent harm to victims of crime. This includes being able to suspend access to prevent harm to individuals, such as through fraud and unauthorised access to systems, as well as protecting against botnets that may adversely impact the operation of thousands of electronic devices.⁹
25. **Suspended Accounts Scheme:** It is currently estimated that there is £200-220 million of suspended funds held by financial sector entities with a further £30-40 million funds being suspended by entities each year.¹⁰ These funds are not subject to restraint by law enforcement or a court order, but are otherwise restricted due to concerns of activity suggestive of unlawful conduct, and cannot be accessed by customers without them satisfying the firm that the funds are legitimate and that they have legal entitlement to them. The government is seeking to introduce a voluntary scheme, known as the Suspended Accounts Scheme, to enable financial sector entities to release funds representing the balances of these accounts to fund projects to tackle economic crime. To protect innocent customers, the scheme has been designed so that customers' existing rights against participants in the scheme will remain. This work has been publicly committed to in Economic Crime Plan 2¹¹, and is part of the government's plan under Economic Crime Plan 1¹² to develop a sustainable resourcing model to fund future measures to tackle economic crime.
26. **Reform of the confiscation regime:** Confiscation orders are applied for and granted in the Crown Court following a defendant's conviction of a criminal offence. They are intended to deprive criminals of their financial or material benefit from crime. The current enforcement levers have been the subject of extensive criticism.¹³ In March 2023, the outstanding confiscation debt stood at £2,510 million, which has contributed to the perception that the regime is ineffective.¹⁴ To address these issues, the government is seeking to introduce a range of measures to contribute to a greater emphasis on confiscation in the criminal justice system earlier than is currently the established standard and to encourage defendants to engage with the process at an earlier stage.
27. **Articles used in serious crime and vehicle theft:** Law enforcement agencies are increasingly encountering individuals possessing or supplying 'articles' such as vehicle concealments, templates for 3D printed firearms components, pill presses used in the supply of illegal drugs and signal jammers used in vehicle theft. Often there is a strong suspicion that they are being used for the purpose of serious crime, but law enforcement cannot always take action under existing legislation. The Criminal Justice Bill includes provisions to improve law enforcement's ability to target those who

⁸ A botnet is a group of internet-connected devices, each of which runs one or more bots. A bot is a software application that runs automated tasks over the internet.

⁹ A Botnet is a network of computers infected with malware without the owners knowledge to facilitate criminal activity including the distribution of spam or performing Distributed Denial-of-Service (DDoS) attacks.

¹⁰ Based on an industry survey commissioned by the Home Office and issued by UK Finance in August 2022.

¹¹ Economic Crime Plan 2 (publishing.service.gov.uk):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147515/6.8300_HO_Economic_Crime_Plan_2_v6_Web.pdf

¹² Economic Crime Plan 1 (publishing.service.gov.uk):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816215/2019-22_Economic_Crime_Plan.pdf

¹³ Confiscation-Book (nao.org.uk): <https://www.nao.org.uk/wp-content/uploads/2013/12/10318-001-Confiscation-Book.pdf>,

Confiscation orders: progress review (parliament.uk):

<https://publications.parliament.uk/pa/cm201617/cmselect/cmpublic/124/124.pdf>

Proceeds of crime (parliament.uk): <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/25/25.pdf>

¹⁴ HMCTS Trust Statement 2022-23 (publishing.service.gov.uk):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1172415/HM_Courts_Tribunals_Service_Trust_Statement_2022-23.pdf

are involved in serious criminality, leading to a reduction in crime, and ultimately a reduction in the economic and social costs of serious crime.

28. **Serious Crime Prevention Orders:** SCPOs are provided for under Part 1 of the Serious Crime Act 2007¹⁵ (SCA 2007). SCPOs are civil preventative orders which impose tailored prohibitions, restrictions and requirements on a person¹⁶ for a period of up to five years, to prevent or disrupt their involvement in serious crime. The Criminal Justice Bill includes a range of measures to improve the application process, monitoring and enforcement of SCPOs. Any improvements to the SCPO regime may help to tackle a wide range of threat types and harms and so have a positive impact on the organisations, businesses, communities and individuals currently affected by serious crime, in turn reducing the economic and social costs of serious and organised crime (SOC).
29. **Reform of the Identification Doctrine:** In 2023, the government introduced reform of the IDD for economic crimes that required urgent attention in the Economic Crime and Corporate Transparency Act 2023 (ECCT 2023). This introduced a reformed IDD for economic crimes only, due to the scope of that Act. This was only the first stage of reform - as committed to in the Economic Crime Plan 2¹⁷ and the Fraud Strategy¹⁸. Further reform of the IDD is required to apply to all criminal offences, not just economic crime.

Pillar 3: Strengthening public confidence in policing

30. **Appeal Routes to Police Appeals Tribunal:** Following the government's Dismissals Review¹⁹, concerns have been raised about the significant impact of the current system where officers have not been dismissed and the chief officer considers the decision to have been unreasonable. This measure allows provisions to be made, which will enable chief officers and local policing bodies a new route of appeal, which is more timely and cost-effective.
31. **Introduce Code of Practice relating to Ethical Policing:** Recommendations of Bishop James Jones' report on the experiences of the Hillsborough families²⁰ and the report of the Daniel Morgan Independent Panel²¹ have included a statutory duty of candour for policing.
32. **Powers of Entry to search and seize stolen property:** Concerns are frequently raised by victims, the media and police themselves that victims of theft or robbery are able to track stolen devices or vehicles, using GPS trackers or are aware of their location, but on reporting the crime and sharing this information police are not always able to take action swiftly. This measure affords the police powers to act swiftly to recover stolen objects and investigate crimes quicker.
33. **DVLA Data:** Section 71 of the Criminal Justice and Court Services Act 2000 already allows constables and National Crime Agency officers may be provided with driving licence data held by the Driver and Vehicle Licensing Agency (DVLA). The term "constables" can cover a number of roles, from police constable to cathedral constable, not all of who need access to this data set. The Home Office has therefore created and defined the term "authorised person" to provide greater clarity on who can access the data while explicitly listing the bodies to who access have been granted. Also provided is more clarity on what can be contained in regulations concerning the purposes for which data may be used and conditions to be imposed on those accessing the data. This will provide added clarity and reassurance to the public on how this data is used..

A.3 Groups affected

¹⁵ Serious Crime Act 2007: <https://www.legislation.gov.uk/ukpga/2007/27/part/1>

¹⁶ "Person" includes bodies corporate, partnerships and unincorporated associations as well as individuals.

¹⁷ Economic Crime Plan 2 (www.gov.uk): <https://www.gov.uk/government/publications/economic-crime-plan-2023-to-2026>

¹⁸ The Fraud Strategy (www.gov.uk): <https://www.gov.uk/government/publications/fraud-strategy>

¹⁹ Police officer dismissals: Home Office review - GOV.UK: <https://www.gov.uk/government/publications/police-officer-dismissals-home-office-review>

²⁰ 'The patronising disposition of unaccountable power', A report to ensure the pain and suffering of the Hillsborough families is not repeated, 1 November 2017: <https://www.gov.uk/government/news/bishops-review-of-hillsborough-families-experiences-published>

²¹ Report of the Daniel Morgan Independent Panel, 15 June 2021: https://webarchive.nationalarchives.gov.uk/ukgwa/20220331105136mp_/https://www.danielmorganpanel.independent.gov.uk/wp-content/uploads/2021/06/CCS0220047602-001_Daniel_Morgan_Inquiry_Web_Accessible.pdf

34. Groups affected by the range of measures include:

Individuals

- Victims
- Family, friends, and colleagues of victims
- General public in the UK.
- Homeless people
- Perpetrators
- People subject to a Serious Crime Prevention Order
- Police and Crime Commissioners
- Chief Constables

Businesses

- Businesses impacted by scam texts/calls
- Legitimate Distributors, Suppliers and Users
- Mobile Network Operators
- Shops and other retailers

Public Sector

- Crown Prosecution Service (CPS)
- All other organisations within the Criminal Justice System
Devolved Administrations (DA)
- Government departments
- HM Courts and Tribunal Services (HMCTS) (including equivalents in Scotland and Northern Ireland)
- HM Prisons and Probation Service
- Law Enforcement Agencies (LEAs) across the UK and members of these agencies.
- UK intelligence agencies and members of the UK intelligence agencies
- Local authorities
- Community Safety Partnerships
- Registered social housing providers
- Trading standards
- The DVLA

A.4 Consultation

Public consultation

35. Public or targeted consultations were conducted in respect of the majority of the measures included in this impact assessment, these are listed below:

- Confiscation of the proceeds of crime after conviction: A consultation paper²²
- Confiscation of the proceeds of crime after conviction: A final report²³
- Police and Crime Commissioner Review (PCC) Review Part Two: Recommendations
- Review of the Vagrancy Act: consultation on effective replacement²⁴
- Corporate criminal liability: an options paper²⁵

²² Law Commission, 17 September 2020: https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/09/6.6837_LC_Confiscation-consultation-paper_FINAL_180920_WEB3.pdf

²³ Law Commission, 9 November 2022: https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2022/11/Confiscation-of-the-proceeds-of-crime-after-conviction-a-final-report_web.pdf

²⁴ DLUHC/Home Office/Ministry of Justice, 7 April 2022: <https://www.gov.uk/government/consultations/review-of-the-vagrancy-act-consultation-on-effective-replacement/review-of-the-vagrancy-act-consultation-on-effective-replacement>

²⁵ Law Commission, 22 June 2022: https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2022/06/Corporate-Criminal-Liability-Options-Paper_LC.pdf

- Swift, Certain, Tough: new consequences for drug possession²⁶.
- Two legislative measures to improve the law enforcement response to serious and organised crime: Government consultation²⁷
- Review of the Computer Misuse Act 1990: consultation and response to call for information²⁸,
- Anti-Social Behaviour Action Plan²⁹
- Community Safety Partnerships Review and Anti-Social Behaviour Powers: Government consultation³⁰
- Consultation on new knife legislation proposals to tackle the use of machetes and other bladed articles in crime: Government consultation³¹
- Preventing the use of SIM farms for fraud: Government consultation³²
- Government response to the Law Commission's review of confiscation³³
- Unlocking Suspected Criminal Funds³⁴

B. Rationale for intervention

Pillar 1: Protecting the public from violence and intimidation

Expansion of Drug Testing on Arrest (DToA):

36. DToA is an important tool for the police to tackle drug-related crime, by directing those who test positive for drugs in police detention to drug treatment and support services. The expansion of DToA to include specified Class B and specified Class C drugs, in addition to the existing powers to drug test for specified Class A drugs, aims to identify a wider cohort of drug users whose drug use may contribute to their criminality and direct more individuals to treatment and support services. The expansion of DToA seeks to cut crime, protect the health of the individuals and address their drug use.

Replacement of the Vagrancy Act 1824:

37. The VA 1824 provides for criminal offences relating to begging and some forms of rough sleeping. Its use by police forces varies across the country as VA 1824 has come to be seen as outdated and the current penalties (small fine and/or short prison term) fail to provide sufficient flexibility in relation to helping deal with issues of begging and rough sleep, some of whom may have complex needs (such as addiction and/or mental health issues).

²⁶ Home Office, July 2022:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091385/Swift_Certain_To_ugh_-_New_consequences_for_drug_possession_official_.pdf

²⁷ Home Office, 24 January 2023: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1137729/2023_SOC_Measures_Consultation_Document_-_Final.pdf

²⁸ Home Office, 7 February 2023: <https://www.gov.uk/government/consultations/review-of-the-computer-misuse-act-1990/review-of-the-computer-misuse-act-1990-consultation-and-response-to-call-for-information-accessible>

²⁹ Home Office and DLUHC, 27 March 2023: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

³⁰ Home Office, 27 March 2023:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1148891/2023-03-28_CSP_Review_and_Anti-Social_Behaviour_Powers_Consultation.pdf

³¹ Home Office, 18 April 2023:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1153256/CONSULTATION_DOCUMENT_-_LEGISLATIVE_PROPOSALS_-_MACHETES_-_1804_1_.pdf

³² Home Office, 3 May 2023:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1154387/SIM_farms_consultation_FINAL_SP.pdf

³³ Home Office, 25 October 2023: <https://www.gov.uk/government/publications/government-response-to-the-law-commissions-review-of-confiscation>

³⁴ This was issued directly to participants as a targeted engagement and not uploaded on Gov UK so there is no weblink reference

38. Begging and rough sleeping are harmful to the individuals involved (entrenching street-based behaviours and funding addictions) and the public, such as local residents and business (for example feeling unsafe, being approached for money, being obstructed).

Reform of the Anti-social Behaviour, Crime and Policing Act 2014:

39. It had been determined through engagement for the ASB Action Plan³⁵, published on 27 March 2023, that enhanced powers to tackle ASB would help the police, local authorities and other agencies to grip the issue within their local areas.
40. As part of engagement for the plan, stakeholders indicated that while the powers and tools in the ASBCP 2014 are broad and useful they could be expanded via legislation to ensure greater effectiveness at tackling ASB. While the police, local authorities and other agencies already have a range of powers to tackle ASB, they do not use them consistently, or, at times, enough. Stakeholders identified common barriers to using the powers and offered ways in which they can be made more effective.
41. The desired effect of strengthening and expanding the tools and powers in ASBCP 2014, as well as widening the scope of CSAS to include some of the tools and powers in ASBCP 2014 is for a greater and more consistent use by the relevant agencies to tackle ASB to meet the Prime Minister's commitment as laid out in the ASB Action Plan.

Community Safety Partnerships:

42. CSPs have a number of important statutory functions including developing strategies to reduce crime and disorder. There is currently significant variation in performance of CSPs across England and Wales with limited insight into whether they are performing their statutory functions effectively. Without additional accountability structures, CSP performance is unlikely to improve. Additionally, there is currently ambiguity and local variation regarding the relationship between CSPs and PCCs.
43. This legislation will help to resolve these issues by enabling PCCs to make recommendations regarding CSPs when an opportunity for improvement is identified, and widening regulation making powers in order to improve accountability of CSPs, for example, by placing a duty on CSPs to publish how they have had regard to PCC's strategic priorities. While the new requirements are already enacted voluntarily by some high performing CSPs, government intervention is needed to improve the remaining majority of CSPs, and enable a consistent approach across England and Wales.
44. There is additionally currently a 'postcode lottery' for victims of ASB that trigger an ASB Case Review as PCC involvement in the ASB Case Review process is inconsistent across England and Wales. This legislation will help to resolve this by providing PCCs with a defined role in the ASB Case Review process, and providing a route for the victim to query the Case Review outcome. This will help to ensure that all victims receive a consistent service when they trigger an ASB Case Review.

Knife crime:

45. The Home Office wants to reduce knife crime given the impact that it has on society, including the significant and disproportionate impact it has on Black individuals, who are roughly four times likelier to be the victims of serious violence relative to other ethnic groups³⁶, and those who live in the most deprived areas, who are over twice as likely to be victims of violence with injury relative to the least deprived areas³⁷. This includes the physical and psychological harms to individuals, and the wider impact on health services and the criminal justice system. For example, the unit cost to society of a

³⁵ Anti-Social Behaviour Action Plan: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

³⁶ Finished Admissions Episodes, hospital admissions for assault by sharp object (NHS), April to September 2022: <https://digital.nhs.uk/supplementary-information/2022/hospital-admissions-for-assault-by-sharp-object-from-2012-13-to-september-2022>

Ethnicity population estimates (census 2021): <https://www.ons.gov.uk/datasets/TS021/editions/2021/versions/2>

³⁷ The nature of violent crime in England and Wales (ONS), Year ending March 2022: www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/thenatureofviolentcrimeinenglandandwales/yearendinmarch2022

“violence with injury” offence is £14,053 (2015/16 prices), £8,240 of which comprises physical and emotional harms.³⁸

46. The measures included in the Bill will contribute towards tackling knife crime and prevent the hugely detrimental effects it has on victims, their families, and local residents.
47. The new power for police to seize items in private will be a necessary tool for the police to disrupt crime. The increased maximum penalty for the importation, manufacture, sale, general supply and private possession of prohibited weapons and the sale of bladed articles to people under 18 years of age, to two years, will reflect better the severity of the offence and will allow police time to satisfactorily investigate crimes. Lastly, the new offence of possession of a knife with the intent to use in unlawful violence will bridge the gap between possession of a knife or offensive weapon and it being used to threaten or harm anyone.

Pillar 2: Increasing Law Enforcement powers to counter emerging crime

SIM farms:

48. The Home Office estimates that the total cost to society of fraud against individuals in England and Wales was at least £6.8 billion in 2019/2020. The government has set out its ambition to tackle fraud in the Fraud Strategy, which includes significant effort to increase the law enforcement response to fraud, to empower victims to protect themselves and to work closely with industry and regulators to prevent the frauds in the first place.
49. The work to tackle mass scam texting is a core part of this strategy, which also includes increased regulatory activity by Ofcom to tackle scam calls. The proposals aim to make it more difficult for criminals to access and use technologies that enable them to target people at scale and undetected in the UK, like SIM farms. This is not currently possible under the existing Fraud Act 2006.

Domain names and IP addresses suspension:

50. Domestically, private industry generally works collaboratively with law enforcement to ensure crime is not being hosted on its platform, as this is generally against an organisations terms of service. Whilst this collaborative process will continue to be the first port of call, it would be helpful for domestic organisations to be able to apply for use of the court order in the minority of cases where they require formal judicial support.
51. Internet infrastructure hosting companies overseas do not always recognise informal requests from UK law enforcement agencies, and it is not practical to have consensual relationships with every international provider in the same way that law enforcement has domestically. Many organisations internationally require court orders before they will suspend domain names or IP addresses.

Suspended Accounts Scheme:

52. The Home Office want to take action to address the accumulation of suspended, suspected criminal, funds held by financial sector entities. If this action is not taken then it is highly likely that these funds will remain suspended and continue to accumulate. Government intervention through primary legislation is required to establish a voluntary scheme to facilitate the transfer of funds representing the balances of these accounts to government to invest in new and additional projects to tackle economic crime, delivering HMG’s ambition to cut fraud and reduce money laundering.
53. Failing to intervene would mean a lost opportunity to meaningfully enable sustainable investment in economic crime reform. Potential material value would be left unused and will not contribute to economic growth.

Reform of the confiscation regime:

54. The confiscation regime helps ensure that criminals do no benefit financially or materially from their crimes and will prevent assets being exploited to potentially fund further criminality. These reforms

³⁸ The economic and social costs of crime, July 2018 (Home Office):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732110/the-economic-and-social-costs-of-crime-horr99.pdf

will ensure the process for depriving criminals of their benefit from crime is simplified and made more efficient, ultimately leading to more realistic and proportionate orders and improved asset recovery rates.

55. Complexities and perceived problems with the confiscation regime have been well documented. Successive reviews of the confiscation regime undertaken by the National Audit Office, the Public Accounts Committee and the Home Affairs Select Committee expressed concerns regarding the complexity of the regime and identified problems with enforcement.
56. Confiscation cases are among the most litigated areas of jurisprudence. Since the powers in POCA 2002 commenced in 2003, there have been over one hundred appellate³⁹ decisions regarding the calculation of benefit alone, which is a single provision within the regime. During the three-year period ending on 30 September 2023, 90 appellate decisions on confiscation orders were recorded, together with 19 High Court decisions and 2 decisions of the Crown Court. Extensive litigation in the courts has also been required to clarify points of interpretation due to the complexities of the legislation.
57. The need for review of the confiscation regime has been raised by judges, practitioners, and commentators. In the case of *R v Guraj*⁴⁰, the Supreme Court observed that the Law Commission may wish to consider “(1) the best way of providing realistically for the sequencing of sentencing and confiscation and (2) the status of procedural requirements in the Act.” The Law Commission was commissioned to undertake a review of the confiscation regime and found that several stakeholders have been nearly unanimous in the view that there are problems with the wording and operation of Part 2 of POCA 2002. One stakeholder, an academic, commented that confiscation proceedings are “lengthy and complex” and another stakeholder commented that it “is a draconian piece of legislation and is in urgent need of reform.”
58. Reforms to the confiscation regime will simplify and speed up the process for making and enforcing confiscation orders. This will ensure that the calculations of the figures that form the basis of a confiscation order are realistic, which will provide greater clarity in the courts relating to the interpretation of the legislation.
59. The current confiscation regime is also often reliant on defendant compliance. Improving the process by which orders are calculated and the mechanisms relating to the restraint and realisation of assets, will reduce this reliance and limit the ability of defendants to frustrate the enforcement process. This will contribute to the swifter resolution of confiscation proceedings in all cases resulting in capacity and efficiency savings across the whole criminal justice system, in addition to providing faster and greater returns for victims and third parties.

Articles used in Serious Organised Crime and vehicle theft:

60. It is the Government’s assessment that without intervention law enforcement would continue to be limited in their ability to disrupt individuals who exploit technology, such as templates for 3D-printed firearms, vehicle concealments, pill presses or electronic devices, to facilitate serious crime or vehicle theft. Law enforcement agencies are unable to use existing powers or offences to pursue individuals who possess or supply such articles, even where there is a strong suspicion that they are for use in serious crime or vehicle theft. Criminals are then able to use these articles to facilitate serious crime or vehicle theft and perpetuate the associated societal damage this causes.

Serious Crime Prevention Orders:

61. SCPOs are a powerful tool for disrupting the activities of the highest-harm serious and organised criminals. However, SCPOs are not currently being used to maximum effect. Applications to the High Court for SCPOs have been significantly lower than Parliament anticipated when it passed the SCA 2007.⁴¹ Government intervention through primary legislation is required to make the proposed

³⁹ Appellate decision refers to the process of changing earlier court decisions

⁴⁰ *R v Guraj* (Respondent) - The Supreme Court: <https://www.supremecourt.uk/cases/uksc-2015-0152.html>

⁴¹ The Explanatory Notes to SCA 2007 state that “the main route for making an order will be an application to the High Court”. In addition, at Lords Committee Stage of the Serious Crime Bill, Baroness Scotland of Asthal stated that operational stakeholders

improvements to the operation of SCPOs, thereby restricting perpetrators of serious crime from committing further serious offences.

Reform of the Identification Doctrine:

62. The IDD has developed in common law and has been an obstacle to holding large companies⁴² criminally responsible for crimes. This policy places the IDD for all crimes, not just economic crimes, on a statutory footing, extending the common law “directing mind and will” model to include senior management of the corporation.
63. **The rationale for this policy is to address the disparity between small and large organisations:** the current corporate criminal liability model makes it difficult for prosecutors to successfully pinpoint the directing mind and will of a large organisation which could have multiple directing minds across different areas of the business. By contrast, directors in a smaller organisation are closer to the level at which misconduct took place and therefore more likely to have the knowledge needed to satisfy the directing mind and will test, creating an equity failure. For example, by explicitly or implicitly authorising the commission of a criminal offence. The government agrees with the Law Commission’s assessment that a rule which impacts disproportionately on smaller companies but fails to deal satisfactorily with similar conduct in larger firms is likely to be seen as unfair. The reforms will address this equity failure and increase confidence in the criminal law.
64. The proposed reform of the IDD is not intended to add to the legal and regulatory burdens which are already imposed on businesses. Breaches of existing obligations would be more effectively sanctioned under the criminal law, resulting in a better-functioning criminal justice system.

Pillar 3: Strengthening public confidence in policing

65. Due to historical events of organisational defensiveness by police forces, there is a need to take action to change the culture of policing and instil openness and transparency. The bereaved Hillsborough families and survivors are justified in their frustration with the evasiveness and obfuscation they experienced from public officials. Of the senior officers providing witness at the first inquiry, Lord Justice Taylor in his 1990 report on the Hillsborough disaster commented that they “were defensive and evasive witnesses...neither their handling of problems on the day nor their account of it in evidence demonstrated the ‘qualities of leadership expected of their rank”. This frustration was more recently compounded with the collapse of the trial of a number of individuals charged with perverting the course of justice in relation to statements made to the Taylor Inquiry. These are not the only examples of the institutional defensiveness and challenges in getting answers from the police.
66. A statutory duty of candour for policing has formed part of the recommendations/learning points of below (a - c), which exposed police forces acting defensively and without honesty and transparency regarding their mistakes and wrongdoing:
 - a. The Points of Learning (in effect, recommendations) in Bishop James Jones’ report⁴³ (published in November 2017) on the experiences of the bereaved Hillsborough families in the 28 years following the disaster. This report referenced the (by then defunct) Public Authority (Accountability) Bill, and also called specifically for a duty of candour for police officers. At paragraph 12 of his report, the Bishop set out his belief “that there is at present a gap in police accountability arrangements” and proposed “a duty of candour which addresses the unacceptable behaviour of police officers – serving or retired – who fail to co-operate fully with investigations into alleged criminal offences or misconduct”.

had indicated that there may be 25 or 30 such orders – see Hansard, Volume 690, 7 March 2007: <https://hansard.parliament.uk/Lords/2007-03-07/debates/07030790000002/SeriousCrimeBill> (HL)

⁴² Following the Companies Act 2006 definition – that is they meet two out of the following three criteria: more than 250 employees, more than £36 million turnover, more than £18 million in total assets: <https://www.legislation.gov.uk/ukpga/2006/46/contents>

⁴³ <https://www.gov.uk/government/news/bishops-review-of-hillsborough-families-experiences-published>

- b. The report of the Daniel Morgan Independent Panel (DMIP), published in July 2021⁴⁴. The DMIP was established to shine a light on the circumstances surrounding the murder of Daniel Morgan in 1987, who was a private investigator. The DMIP considered, amongst other things, the police involvement in Daniel’s murder and the role played by police corruption in protecting those responsible for the murder from being brought to justice. The DMIP recommended, at paragraph 61 of the report, “the creation of a statutory duty of candour, to be owed by all law enforcement agencies to those whom they serve, subject to protection of national security and relevant data protection legislation”. The recommended duty seems to be an occupational one, rather than individual.
 - c. The Baroness Casey review into the standards of behaviour and culture of the Metropolitan Police Service, published in March 2023⁴⁵. This report illustrated the need to tackle organisational defensiveness and the clear evidence of police forces acting in their own self-interest. In her review, Baroness Casey expressly stated that policing “does not make ethical standards as clear as it could”; it is, in part, for this reason that the Code of Practice desired is that relating to ethical policing.
67. The Home Office accepts the findings of these reports and wants to take positive action in response to these recommendations for a statutory duty of candour for the police and to make it clear to the public that it is doing so. Police officers already have a duty to co-operate directed at individual police officers which was introduced by Schedule 2 (Standards of Professional Behaviour) to the Police (Conduct) Regulations 2020 and is supported by statutory guidance. The Home Office has determined a gap exists at the organisational level as demonstrated by police forces in terms of their defensiveness. Therefore, an organisational duty of candour, aimed at chief officers with the intention that this will be filtered down to all officers and staff (as part of Chiefs’ adherence to this duty) is preferable to imposing a duty on individual officers, as there is existing legislation in place that provides for this.
68. Separately, police officers who wish to appeal against the finding or outcome of their misconduct proceedings may do so to the specialist Police Appeals Tribunal. However, chief officers’ only recourse to challenge decisions which they consider, for example, to be unreasonable is by way of a judicial review.
69. Some chief officers have raised concerns that this lack of parity in being able to challenge a decision, means they can be forced to retain an officer who they believe should have been dismissed. This risks having a negative impact on the confidence of both the public and the wider workforce.
70. The rationale for this policy is to address that lack of parity. It will enable provisions to be made, to ensure an equal ability to appeal a misconduct finding or outcome by both the officer concerned and the chief officer – or, in the case of a chief officer hearing – the relevant local policing body.
71. This issue formed part of the terms of reference of the Home Office’s review into police officer dismissals⁴⁶, with the majority of responding stakeholders supporting the introduction of such a measure.

DVLA Data

72. The rationale is to provide legal clarity on who can access DVLA data as the term “constable” is unclear. The new legislation will provide legal certainty and will provide clarity to the public on who has access. The Home Office also intends to expand the purposes for which data may be made available in response to a specific ask from the police and the National Crime Agency. Before doing this, it is important the police use the data appropriately, hence the ability to place conditions on the users of the data and the requirement for the users to have regard to a code of practice on the use of the data.

⁴⁴ <https://www.gov.uk/government/publications/daniel-morgan-independent-panel-report>

⁴⁵ <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/bcr/baroness-casey-review/>

⁴⁶ Police officer dismissals review: terms of reference - GOV.UK: <https://www.gov.uk/government/publications/police-officer-dismissals-review-terms-of-reference>

C. Policy objective

Pillar 1: Protecting the public from violence and intimidation

73. **Expansion of Drug Testing on Arrest (DToA):** The aim of expanding DToA powers to include specified Class B and Class C drugs is to provide opportunities to identify a wider cohort of drug users whose drug use may be associated with their criminality, so that they can be appropriately referred to treatment or intervention services. This in turn will allow them to address their drug using behaviours, and ultimately reduce drug use and crime. Therefore, the expected outcomes of the policy proposals will:
- increase in the use of DToA;
 - increase identification of individuals using drugs, and;
 - reduce drug use and crime.
74. **Replacement of the Vagrancy Act 1824:** Replacing the VA 1824 with a modern day replacement will help support a more consistent and clear approach to people who beg and rough sleep and help encourage them to engage with appropriate support. It will also help communities, local areas and businesses feel safer and encourage more use of public spaces and town centres. Indicators of success will be the rates of use of the replacement offences.
75. **Reform of the Anti-social Behaviour, Crime and Policing Act 2014:** The government aim to reduce ASB and improve public confidence in agencies' abilities to deal with ASB. The policy objective of amending the ASBCP 2014 is to extend and expand the tools and powers to result in greater and more consistent use by the relevant agencies to deal with ASB and to meet the Prime Minister's commitment⁴⁷ as laid out in the ASB Action Plan.
76. **Community Safety Partnerships:** The policy objective of f these measures is to formalise and strengthen the relationship between the PCC and CSP and to align local ASB strategies developed by CSPs with PCCs' Police and Crime Plans. This is expected to improve CSPs' accountability and performance in delivering effective strategies to reduce crime and ASB in their communities.
77. **Knife crime:** The main objective of the measures related to knife crime is to enhance public safety by providing the police and the wider criminal justice system with the powers required to prevent knife crime.

Pillar 2: Increasing Law Enforcement powers to counter emerging crime

78. **SIM farms:** The aim of the proposals to create a criminal offence to supply or possess a SIM farm is to reduce the volume and scale of fraudulent messages reaching consumers via telecommunications means (that is, calls and texts) by making it more difficult for criminals to access and use SIM farms; and giving law enforcement powers to disrupt criminals who use SIM farms.
79. **Domain names and IP addresses suspension:** The overall intended outcome for the provision to suspend domain names and IP addresses is to be able to reduce the amount of cyber enabled crime such as fraud, scamming and malware distribution taking place affecting individuals and businesses in the UK. By providing these provisions, law enforcement will be able to mandate action where needed to stop those activities taking place. This can be measured by the amount of successful orders that are provided and executed.
80. **Suspended Accounts Scheme:** The aim of the Suspended Accounts Scheme is to facilitate the release of funds representing the balances of suspected criminal accounts from financial sector entities in a simple and effective manner; to enable the sustainable investment of those funds in new and additional projects to combat economic crime.

⁴⁷ Anti-Social Behaviour Action Plan page 2-3 – GOV.UK: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

81. **Reform of the confiscation regime:** Reforming the confiscation regime will ensure that it operates as efficiently as possible by streamlining court processes and addressing historic unpaid confiscation orders. A reformed confiscation regime will enhance confidence in the public sector response to crime as funds stripped from criminals will be returned to victims and third parties at a swifter rate than the current regime provides for.
82. **Articles used in serious crime and vehicle theft:** The proposal to criminalise the making, modification, import, supply, offer to supply, and possession of articles for use in serious crime and vehicle theft is intended to disrupt the use of such articles in criminal activity. Indicators of success include an increase in convictions for individuals involved in the making, modification, import, supply, offer to supply, and possession of articles for use in serious crime and vehicle theft, leading to a reduction in serious crime offences and vehicle theft being committed, and ultimately a reduction in the economic and social costs of serious crime and vehicle theft.
83. **Serious Crime Prevention Orders:** The two policy objectives of the proposals on SCPOs are to streamline the application process for SCPOs and to improve the ongoing monitoring and enforcement of SCPOs by law enforcements agencies so as to better disrupt serious and organised criminals and to reduce serious crime.
84. **Reform of the Identification Doctrine:** The intended outcome of the reform of the Identification Doctrine is to ensure fair and proportionate liability is placed on corporates for wrongdoing, committed by senior management and other employees, regardless of size. This reform has the following objectives; to deter instances where corporations are used a vehicles for corrupt actors to conduct criminal activity; to better enable prosecutions of corporate defendants and to provide legislative certainty on which circumstances the IDD applies in.

Pillar 3: Strengthening public confidence in policing

85. **Appeal Routes to Police Appeals Tribunal:** The objective of this measure is to ensure that there is an equal right of appeal for chief officers and local policing bodies to the Police Appeals Tribunal.
86. **Introduce Code of Practice relating to ethical policing:** The objective of this measure is to ensure chief officers have regard to the Code of Practice for ethical policing, and therefore have a duty to ensure candour, openness, and ethical behaviour within the forces they lead.
87. **Powers of Entry to search and seize stolen property:** The policy objective is to create a new police power enabling entry, search and seizure for specific stolen items without a warrant, in order to facilitate the swift retrieval of stolen goods and increase arrests and charges for related offences
88. **DVLA Data:** The objective of this measure is to ensure police forces and law enforcement bodies which need access to DVLA driving licence data have that access explicitly provided in law, and that future changes to regulations would allow the data to be used for additional policing and law enfocemnt purposes.

D. Options considered and implementation

89. The government has two options:
 - **Option 1:** 'Do nothing': do not implement the proposals outlined in the Criminal Justice Bill.
 - **Option 2:** Full implementation of the Bill in which all measures outlined in this IA in Tables 1, 2 and 3 (see pages three and four) are introduced. **This is the government's preferred option**, as it meets the strategic and policy objectives to protect the public from harm and strengthen the CJS response to crime and ASB.

E. Appraisal

90. Assumptions which apply to the appraisal of all measures in this impact assessment are as follows:
- The appraisal period for measuring the impacts of the proposed new legislation is 10 years.
 - The appraisal period starts in 2024/25.
 - A 3.5 per cent annual social discount rate is used⁴⁸.
 - Annual costs and benefits are in 2024/25 prices.
 - Present Values are in 2024/25 prices
 - All costs and benefits are relative to the 'Do Nothing' Option 1
91. There will be set-up familiarisation costs whereby police officers, legal professionals and other stakeholders will need to become aware of any updated legislation. Specific costs will be covered in each measure. Common assumptions include
- The Readingsoft⁴⁹ calculator is used in calculating familiarisation costs.
 - Unless otherwise specified, labour cost estimates are derived from the Annual Survey of Hours and Earnings (ASHE)⁵⁰
 - A non-wage labour uplift factor of 22 per cent is used
 - Familiarisation costs are estimated using the formula:
reading time x median wage x number of readers x (1 + (non-wage labour uplift))

⁴⁸ The Green Book (2022) - GOV.UK: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

⁴⁹ The speed at which officers are assumed to read the guidance is taken from: <http://www.readingsoft.com/>

⁵⁰ Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

COSTS

Set-up costs

Table 4: Set up Costs, £ million, 2024/25 prices, Present Value

	Low	Central	High
Pillar 1 Total	2.7	5.2	8.7
Expansion of Drug Testing on Arrest (DToA)	0.6	1.2	1.7
Replacement of the Vagrancy Act 1824 (VA 1824)	0.1	0.4	1.0
Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)	0.0	0.1	0.3
Community Safety Partnerships (CSPs)	0.0	0.0	0.0
Knife Crime	2.0	3.5	5.7
Pillar 2 Total	18.8	23.9	29.2
SIM farms	0.0	0.0	0.0
Domain names and IP addresses suspension	0.0	0.0	0.0
Suspended Accounts Scheme	2.3	3.2	4.3
Reform of the Confiscation Regime	N/A	N/A	N/A
Articles used in serious crime and vehicle theft	16.4	19.6	23.0
Serious Crime Prevention Orders (SCPOs)	0.0	0.6	1.0
Reform of the Identification Doctrine (IDD)	0.1	0.4	1.0
Pillar 3 Total	1.9	8.1	21.3
Appeal Routes to the Police Appeals Tribunal	N/A	N/A	N/A
Introduce Code of Practice relating to Ethical Policing	0.1	0.1	0.11
Powers of Entry to search and seize stolen property	1.8	8.0	21.2
DVLA Data	N/A	N/A	N/A
Total	23.4	37.2	59.3

Source: Home Office Internal Estimates

92. The total set up costs for the Pillar 1 measures are between £2.7 million and £8.7 million, with a central estimate of £5.2 million. The total set up costs for the Pillar 2 measures are between £18.8 million and £29.2 million, with a central estimate of £23.9 million. The total set up costs for the Pillar 3 measures are between £1.9 million and £21.3 million. With a central estimate of £8.1 million. Thus, the total set up costs for the measures evaluated in this impact assessment is between £23.4 million and £59.3 million with a central estimate of £37.2 million.
93. The largest component of the set up costs is attributed to prison construction costs. It is assumed that each new required prison place will cost £250,000. This results in prison construction costs of between £20.4 million and £49.4 million, with a central estimate of £31.4 million.
94. The measure that is associated with the largest increase in required prison places is 'Articles used in serious crime and vehicle theft', with an expected increase in prison places of between 66 and 92, with a central estimate of 79. This results in expected prison construction costs for this measure of between £16.4 million and £22.8 million, with a central estimate of £19.6 million. Since this measure has the largest impact, further detail on how this was calculated is provided below.
95. The measure 'Articles used in serious crime and vehicle theft' comprises of two separate measures, both of which generate prison places as per the CJS outputs table below.

96. **Organised Crime:** An equal weighting of the outcomes for each of the relevant offences (Home Office offence codes 05343 (Possessing articles for use in Fraud), 05344 (Making, adapting, supplying, or offering to supply articles for use in Fraud) and 06801 (Participating in the criminal activities of an organised crime group)) were used to estimate how police and courts will deal with the offences relating to other types of articles.
97. The average custodial sentence length (ACSL) over the five years up to June 2022 for convictions of the two offences under section 6 and 7 of the Fraud Act 2006 (Home Office offence codes 05343 and 05344) were used as a proxy. A weighted average (by volume/number of convictions) was calculated. Given this IA has been unable to disaggregate between the possession and supply / manufacture offences involving other articles, taking a weighted average between the two offences under section 6 and 7 of the Fraud Act 2006 is a proportionate step to account for the fact that those convicted of the more serious offence (making/supply/trafficking) will likely face a longer custodial sentence. The calculation for impact on prison places in the steady state assumes that offenders will serve, on average, half of their custodial sentence length.
98. **Vehicle Theft:** An equal weighting of the outcomes for Home Office offence codes 05344 and 06801 were used to estimate how police and courts will deal with the offences relating to the manufacture, modification, and supply of electronic devices.
99. Outcomes for Home Office offence code 05343 were used to estimate how police and courts will deal with the offences relating to possession of electronic devices.
100. The ACSL for these offence codes were also applied to the respective offence type. Both outcomes and ACSL were based on an average of the five years up to June 2022, using the Ministry of Justice's Outcomes by Offence data tool.⁵¹ The calculation for impact on prison places in the steady state assumes that offenders will serve, on average, half of their custodial sentence length.

⁵¹ Ministry of Justice, Criminal Justice System statistics quarterly: June 2022, December 2022, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

Table 5: Criminal justice outcomes for articles used in serious crime and vehicle theft

Assumption (steady state, annual)	Organised Crime			Vehicle Theft		
	Low	Best	High	Low	Best	High
Out of court disposals (OOCs) – possession only	25	29	33	10	15	20
Charges (Charge rate) – possession	336 (33%)	393 (33%)	449 (33%)	44 (24%)	66 (24%)	88 (24%)
Charges (Charge rate) - manufacture, modification, and supply	N/A	N/A	N/A	7 (37%)	11 (37%)	15 (37%)
Percentage of cases going to the Crown Court – possession	54%	54%	54%	15%	15%	15%
Percentage of cases going to the Crown Court - manufacture, modification, and supply ⁵²	N/A	N/A	N/A	45%	45%	45%
Conviction rate – adults	92%	92%	92%	N/A	N/A	N/A
Conviction rate – children	83%	83%	83%	N/A	N/A	N/A
Conviction rate – possession	N/A	N/A	N/A	90%	90%	90%
Conviction rate - manufacture, modification, and supply	N/A	N/A	N/A	93%	93%	93%
Custodial sentences (as a percentage of sentence outcomes) – adults ⁵³	86 (28%)	100 (28%)	115 (28%)	N/A	N/A	N/A
Custodial sentences (as a percentage of sentence outcomes) - possession	N/A	N/A	N/A	8 (20%)	12 (20%)	16 (20%)
Custodial sentences (as a percentage of sentence outcomes) - manufacture, modification, and supply	N/A	N/A	N/A	2 (32%)	3 (32%)	4 (32%)
Average Custodial Sentence Length (ACSL) - adults	17 months	17 months	17 months	N/A	N/A	N/A
Average Custodial Sentence Length (ACSL) - possession	N/A	N/A	N/A	9 months	9 months	9 months
Average Custodial Sentence Length (ACSL) - manufacture, modification, and supply	N/A	N/A	N/A	30 months	30 months	30 months
Prison places (total)	60	70	80	6	9	12

Source: Home Office Internal Estimates

⁵² Home Office offence code 06801 (participation in the criminal activities of an organised crime group), was excluded from the average due to a lack of relevant proceedings related to the offence.

⁵³ The majority of children convicted for the offence are expected to be dealt either a community sentence by the courts, or a conditional discharge.

Ongoing Costs

Table 6: Ongoing Costs, £ million, 2024/25 prices, Present Value

	Low	Central	High
Pillar 1 Total	20.2	31.0	45.6
Expansion of Drug Testing on Arrest (DToA)	12.1	16.5	22.7
Replacement of the Vagrancy Act 1824 (VA 1824)	N/A	N/A	N/A
Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)	1.2	3.6	6.6
Community Safety Partnerships (CSPs)	0.2	0.5	0.8
Knife Crime	6.7	10.5	15.6
Pillar 2 Total	56.5	71.3	111.5
SIM farms	N/A	N/A	N/A
Domain names and IP addresses suspension	0.3	0.3	0.4
Suspended Accounts Scheme	6.1	8.9	36.9
Reform of the Confiscation Regime	0.8	1.9	3.8
Articles used in serious crime and vehicle theft	48.9	58.4	67.9
Serious Crime Prevention Orders (SCPOs)	0.4	1.8	2.4
Reform of the Identification Doctrine (IDD)	N/A	N/A	N/A
Pillar 3 Total	15.3	44.6	93.2
Appeal Routes to the Police Appeals Tribunal	N/A	N/A	N/A
Introduce Code of Practice relating to Ethical Policing	N/A	N/A	N/A
Powers of Entry to search and seize stolen property	15.3	44.6	93.2
DVLA Data	N/A	N/A	N/A
Total	92.1	147.0	250.4

Source: Home Office Internal Estimates

101. The total ongoing costs of the measures in Pillar 1 are between £20.2 million and £45.6 million, with a central estimate of £31.0 million. For Pillar 2 total ongoing costs are between £56.5 million and £111.5 million, with a central estimate of £71.3 million. For Pillar 3, total ongoing costs are between £15.3 million and £93.2 million with a central estimate of £44.6 million. The total ongoing costs for all measures included in this impact assessment are between £92.1 million and £250.4 million, with a central estimate of £147.0 million.
102. HMPPS costs associated with increased custodial sentences and probation services are between £40.1 million and £108.3 million, with a central estimate of £65.6 million.
103. The measure with the largest ongoing costs is “Articles used in serious crime and vehicle theft”. These comprise of Out of Court Disposal costs, police station legal aid costs, court costs, legal aid costs and prison costs.

Table 7: Description of calculation of each cost in Articles used in serious crime and vehicle theft measure

Type of cost	Description of cost
Out of Court Disposal	<ul style="list-style-type: none"> It is estimated to cost police forces £156 per offender (2024/25 prices) to issue a community resolution⁵⁴. It is estimated to cost police forces £344 per offender (2024/25 prices) to issue a conditional caution⁵⁵. The additional cost of issuing an OOCd is estimated to range between £0.07 million and £0.11 million (PV), with a central estimate of £0.09 million (PV) over 10 years.
Police Station Legal Aid	<ul style="list-style-type: none"> The IA accounts for the increased pressure on police station legal aid, which is offered to those arrested and questioned at a police station. In the absence of available evidence, it is assumed that for all crime outcomes (excluding no further action) an arrest is made. Additionally, it is assumed there is a take up rate for police station legal aid of 60 per cent. Police station legal aid costs are estimated to range between £0.54 million and £0.77 million (PV), with a central estimate of £0.65 million (PV) over 10 years.
Court Costs	<ul style="list-style-type: none"> There will be additional costs to the courts following the increase in charges. Additional costs to the Magistrates' courts are estimated to be between £1.21 million and £1.79 million (PV), with a central estimate of £1.50 million (PV) over 10 years. Additional costs to the Crown court are estimated to be between £8.79 million and £12.04 million (PV), with a central estimate of £10.41 million (PV) over 10 years. Total additional court costs are estimated to be between £10.00 million and £13.83 million (PV), with a central estimate of £11.91 million (PV) over 10 years.
Legal Aid Costs	<ul style="list-style-type: none"> There will be additional costs to the LAA following the increase in charges. It is estimated that 100 per cent of those proceeded against in the Crown Court will be eligible for the support and all will take up the offer of legal aid. It is estimated that 55 per cent will be eligible and will take up legal aid in the Magistrates' court. These estimates have been internally provided by the MoJ. Additional Magistrates legal aid costs are estimated to be between £0.40 million and £0.60 million (PV), with a central estimate of £0.50 million (PV) over 10 years. Additional Crown legal aid costs are estimated to be between £7.91 million and £10.84 million (PV), with a central estimate of £9.38 million (PV) over 10 years. Total legal aid costs are therefore estimated to be between £8.32 million and £11.44 million (PV), with a central estimate of £9.88 million (PV) over 10 years.

⁵⁴ Ministry of Justice, Adult Out of Court Disposal Pilot Evaluation Final Report, 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718947/adult-out-of-court-disposal-pilot-evaluation.pdf

⁵⁵ Ministry of Justice, Adult Out of Court Disposal Pilot Evaluation Final Report, 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718947/adult-out-of-court-disposal-pilot-evaluation.pdf

Prison Costs	<ul style="list-style-type: none"> • There will be an additional cost to the prison service, as those convicted of the offence in Option 2 are issued an immediate custodial sentence. • The average custodial sentence length (over the 5 years up to June 2022) for convictions of offences under section 6 and 7 of the Fraud Act 2006 were used as a proxy⁵⁶. A weighted average (by volume/number of convictions) was calculated. Given this IA has been unable to disaggregate between the two proposed offences, taking a weighted average between the two Fraud Act 2016 offences is a proportionate step to account for the fact that those convicted of the more serious offence (making/supply/trafficking) will likely face a longer custodial sentence. • Based on the prison place estimates set out in Table 5, the ongoing costs of additional prison places are estimated to be between £30.01 million and £41.80 million (PV), with a best estimate of £35.90 million (PV) over 10 years.
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Non-monetised Costs

104. Many of the measures incur costs that have not been monetised due to uncertainty and an absence of data on the quantifiable impact of the policies. A description of these non-monetised costs is outlined in tables 8-10 below.

Table 8: Pillar 1: Protecting the public from violence and intimidation

Proposal	Non-monetised Costs
Expansion of Drug Testing on Arrest (DToA)	<ul style="list-style-type: none"> • Commercial process for additional drug testing equipment • Additional drug treatment costs • Additional caseload for police officers
Replacement of the Vagrancy Act 1824 (VA 1824)	<ul style="list-style-type: none"> • No non-monetised costs
Reform of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)	<ul style="list-style-type: none"> • Police time spent dealing with additional breaches of ASB powers. • Court costs and legal aid costs for the extension of the power of arrest for all breaches of a Civil Injunction.
Community Safety Partnerships (CSPs)	<ul style="list-style-type: none"> • Opportunity cost from new duty for PCCs to promote awareness of ASB Case Review and monitor its use in the Police Force Area (PFA). • Opportunity cost from new duty for PCCs to provide a route for victims to query the outcome made by the agency following the ASB Case Review.
Knife Crime	<ul style="list-style-type: none"> • Record-keeping / GDPR costs to knife retailers from having to hold relevant documentation for longer following point of sale

⁵⁶ Ministry of Justice, Criminal Justice System statistics quarterly: June 2022, December 2022, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

Table 9: Pillar 2: Enable law enforcement to respond to emerging crime types and threats

Proposal	Non-monetised Costs
SIM farms	<ul style="list-style-type: none"> • Additional public cost of training – expected to be negligible⁵⁷ • CJS costs – expected to be negligible⁵⁸ • Costs to distributors/suppliers of SIM farms – expected to be negligible⁵⁹
Domain names and IP addresses suspension	<ul style="list-style-type: none"> • No non-monetised costs
Suspended Accounts Scheme	<ul style="list-style-type: none"> • No non-monetised costs
Reform of the confiscation regime	<ul style="list-style-type: none"> • No non-monetised costs
Articles used in serious crime and vehicle theft	<ul style="list-style-type: none"> • Ongoing costs associated with use of civil seizure and forfeiture powers • Cost to legitimate producers/retailers/consumers being deterred from conducting business – expected to be negligible⁶⁰
Serious Crime Prevention Orders (SCPOs)	<ul style="list-style-type: none"> • No non-monetised costs
Reform of the Identification Doctrine (IDD)	<ul style="list-style-type: none"> • No non-monetised costs

Table 10: Pillar 3: Strengthening public confidence in policing

Proposal	Non-monetised Costs
Appeal Routes to the Police Appeals Tribunal	<ul style="list-style-type: none"> • No non-monetised costs
Introduce Code of Practice relating to Ethical Policing	<ul style="list-style-type: none"> • No non-monetised costs
Powers of Entry to search and seize stolen property	<ul style="list-style-type: none"> • No non-monetised costs
DVLA Data	<ul style="list-style-type: none"> • There may be some familiarisation costs to the DVLA and law enforcement bodies, however given the change involves regularising an extant practice, the costs are expected to be minimal

⁵⁷ The College of Policing ensures that all new legislation is incorporated into the national policing curriculum and that it falls within existing budgets

⁵⁸ Home Office anticipates there will be a relatively small number of cases per year for use and possession due to the punishment being a fine and not a prison sentence, and that the policy seeks to ban illegal SIM farms rather than giving police new powers to arrest / charge.

⁵⁹ Home Office engagement with UK SIM farm distributors has not found evidence to suggest a significant loss of business associated with the legislation

⁶⁰ Based on consultation feedback, no businesses voiced concerns about the potential impact the proposals would have on their operations, costs and revenue.

BENEFITS

Ongoing and total benefits (Private and Public)

Table 11: Monetised Benefits, £ million, 2024/25 prices, Present Value

	Low	Central	High
Pillar 1 Total	0.8	1.0	1.2
Expansion of Drug Testing on Arrest (DToA)	0.8	1.0	1.2
Replacement of the Vagrancy Act 1824 (VA 1824)	N/A	N/A	N/A
Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)	N/A	N/A	N/A
Community Safety Partnerships (CSPs)	N/A	N/A	N/A
Knife Crime	N/A	N/A	N/A
Pillar 2 Total	249.2	449.7	566.7
SIM farms	N/A	N/A	N/A
Domain names and IP addresses suspension	N/A	N/A	N/A
Suspended Accounts Scheme	213.7	354.5	408.3
Reform of the Confiscation Regime	31.4	89.0	150.1
Articles used in serious crime and vehicle theft	4.1	6.2	8.2
Serious Crime Prevention Orders (SCPOs)	N/A	N/A	N/A
Reform of the Identification Doctrine (IDD)	N/A	N/A	N/A
Pillar 3 Total	9.6	20.1	31.5
Appeal Routes to the Police Appeals Tribunal	N/A	N/A	N/A
Introduce Code of Practice relating to Ethical Policing	N/A	N/A	N/A
Powers of Entry to search and seize stolen property	9.6	20.1	31.5
DVLA Data	N/A	N/A	N/A
Total	259.6	470.8	599.3

Source: Home Office Internal Estimates

105. The total monetised benefits from Pillar 1 are between £0.8 million and £1.2 million, with a central estimate of £1.0 million. The total monetised benefits from Pillar 2 are between £249.2 million and £566.7 million, with a central estimate of £449.7 million. The total monetised benefits from Pillar 3 are between £9.6 million and £31.5 million, with a central estimate of £20.1 million.
106. The measure which accounts for the majority of the monetised benefits in this impact assessment is the 'Suspended Accounts Scheme' with monetised benefits of between £213.7 million and £408.3 million, with a central estimate of £354.5 million. The 'Confiscation Regime' has also has associated monetised benefits of between £31.4 million and £150.1 million, with a central estimate of £89.0 million.
107. Suspended funds benefits were calculated via the following:
- Data used to estimate benefits is sourced from a Home Office commissioned UK Finance survey, distributed by UK Finance in August 2022.⁶¹

⁶¹Based on an industry survey commissioned by the Home Office and issued by UK Finance in August 2022

- Engagement with the banking sector suggests that as of August 2022 banks held £219.4 million of suspended funds, £228.5 million in 2024/25 prices.
- It is assumed that the flow of suspended accounts is between £18.8 million and £40.1 million per year, with the central estimate being £35.6 million. These figures are estimated using the stock and flow data provided by industry in their August 2022 survey responses, inflated to 2024/25 prices.

108. Other measures with associated monetised benefits are DToA (due to the expected health benefits and reductions in reoffending from an expected increase in drug treatment) and 'Articles for use in serious crime and vehicle crime' (due to expected reductions in vehicle theft).

Non-monetised Benefits

109. Many of the measures have intended benefits that have not been monetised due to uncertainty and a lack of data on the quantifiable impact of the policies. A brief description of these non-monetised benefits is outlined in tables 12-14 below. More detail can be found in the risks section.

Table 12: Pillar 1: Protecting the public from violence and intimidation

Proposal	Non-monetised Benefits
Expansion of Drug Testing on Arrest (DToA)	<ul style="list-style-type: none"> • Better understanding of geographic patterns of drug use and criminality • Improved police practices informed by better understanding of the interrelationship of drug use and offending • Improved and wider data collection of drug use and associated offending
Replacement of the Vagrancy Act 1824 (VA 1824)	<ul style="list-style-type: none"> • Improved sense of safety, security and quality of life for members of the public. • Reduction in begging and homelessness and associated increase in employment and quality of life for those receiving the support they need, and subsequent increases in tax receipts. • Reduction in rough sleeping resulting in a fall in mental and physical health needs • A reduction in organised begging groups • Increased footfall in areas previously negatively affected by rough sleeping and begging, increasing economic prosperity. • Time saving from specific and tailored tests to open prevention notices and orders • Improvements in data collection on the use of powers related to vagrancy
Reform of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)	<ul style="list-style-type: none"> • Improved quality of life for neighbours and local residents through any increased use of powers • Extending Public Spaces Protection Orders to police will reduce the burden on local authorities as being the only agency who can apply for it. • Time saving from extending the time frame to apply for a closure order reducing the need to re-apply for the same order multiple times. • Extending the closure power to registered housing providers will reduce the burden of applying for closure orders for the police and local authorities. • Extending enforcement powers for breaches of Public Spaces Protection Orders and Community Protection Notices to Community Safety Accredited officers will reduce the burden on police and local authority officers.
Community Safety Partnerships (CSPs)	<ul style="list-style-type: none"> • Improved communication, accountability and strategic alignment between CSPs and PCCs leading to a more effective approach to cutting crime and keeping the public safe • Improved standards in CSPs' fulfilment of their statutory duties • Increased CSP transparency may lead to improvements in public perceptions of authorities involved in local crime and ASB response
Knife Crime	<ul style="list-style-type: none"> • Some of the proposals may lead to a reduction in the fear of crime

Table 13: Pillar 2: Enable law enforcement to respond to emerging crime types and threats

Proposal	Non-monetised Benefits
SIM farms	<ul style="list-style-type: none"> • Reduction in the number of scam texts received by consumers • Reduction in the number of fraud victims and losses • Reduction in emotional harms caused by fraud • Better consumer experience due to less network congestion • Reduced costs for Mobile Network Operators resulting from slower network access and malfunctions
Domain names and IP addresses suspension	<ul style="list-style-type: none"> • Reduction in cyber enabled crime. These have not been monetised due to uncertainty regarding the number of frauds that would be prevented. Given the expected costs of the measure, the number of crimes need to be prevented for the measure to achieve an economic breakeven point is low, with all crimes above this level a net benefit to UK society. • Increased confidence in the the UK government and ability to police online activity
Suspended Accounts Scheme	<ul style="list-style-type: none"> • Participating firms will face a reduced risk of financing reclaims, as these will be met by the scheme, subject to a cap determined by government.
Reform of the confiscation regime	<ul style="list-style-type: none"> • Improved asset management • Increased victim compensation • Enhanced CJS reputation for the retrieval of criminal benefit • Improved enforcement of confiscation orders when cases are moved to the Crown Court • Reduced recourse to legal aid funds
Articles used in serious crime and vehicle theft	<ul style="list-style-type: none"> • Reduction in serious crime. • Fewer articles available for criminals to commit serious offences linked to organised crime.
Serious Crime Prevention Orders (SCPOs)	<ul style="list-style-type: none"> • Reduction in serious crime • Streamlined application process for SCPOs. • Improved monitoring and enforcement of SCPOs. • Likely increase in detection of breaches, which therefore may lead to more prosecutions being brought forward for a breach.
Reform of the Identification Doctrine (IDD)	<ul style="list-style-type: none"> • Increased deterrence of corporate criminal behaviour • Increased ability of the UK to cooperate with international partners in high-profile cases against global organisations • Increase international and domestic public confidence in the UK's criminal justice system

Table 14: Pillar 3: Strengthening public confidence in policing

Proposal	Non-monetised Benefits
Appeal Routes to the Police Appeals Tribunal	<ul style="list-style-type: none"> • Less costly and burdensome process for appeals. • Improved standards in policing. • Improved public confidence in policing.
Introduce Code of Practice relating to Ethical Policing	<ul style="list-style-type: none"> • Clear ethical standards in policing through the code of practice. • Improved culture in policing • Improved public confidence in policing.
Powers of Entry to search and seize stolen property	<ul style="list-style-type: none"> • Deterring and preventing crime by creating greater fear and risk of being caught in the minds of acquisitive criminals • Improved victim satisfaction and experience of reporting a crime • Greater confidence in the effectiveness of police • Increased opportunity for pro-active policing to catch criminals earlier in their criminal careers
DVLA Data	<ul style="list-style-type: none"> • By putting data access on a statutory footing, there are avoided costs of legal challenge

NPSV, BNPV, EANDCB

110. Table 15 shows the Net Present Social Values of each Pillar. Pillar 1 has a NPSV between -£22.2 million and -£53.2 million with a central estimate of -£35.2 million. Pillar 2 has a NPSV between £173.9 million and £426.0 million with a central estimate of £354.6 million. Pillar 3 has a NPSV between -£7.5 million and -£83.0 million with a central estimate of -£32.6 million. The total NPSV for this IA is estimated to be between £144.3 million and £289.8 million with a central estimate of £286.8 million.
111. Pillars 1 and 3 have negative NPSVs due to high costs and unmonetizable benefits. Pillar 2 has a high positive NPSV due to the large benefits estimated from the Suspended Funds and Confiscation Regime measures. For a discussion of each individual NPSV, see the value for money subsection below.

Table 15: NPSV, £ million, 2024/25 prices, Present Value

	Low	Central	High
Pillar 1 Total	-22.2	-35.2	-53.2
Pillar 2 Total	173.9	354.6	426.0
Pillar 3 Total	-7.5	-32.6	-83.0
Total	144.3	286.8	289.8

Source: Home Office Internal Estimates

112. Table 16 shows the Business Net Present Values of each Pillar. Pillar 1 has a BNPV between £0.0 million and -£0.1 million with a central estimate of £0.0 million. Pillar 2 has a BNPV between £0.0 million and -£1.6 million with a central estimate of -£0.6 million. Pillar 3 is not expected to have any impact on businesses. Total BNPV is expected to be within £0.0 million and -£1.8 million with a central estimate of -£0.6 million.

Table 16: BNPV, £ million, 2024/25 prices, Present Value

	Low	Central	High
Pillar 1 Total	0.0	0.0	-0.1
Pillar 2 Total	0.0	-0.6	-1.6
Pillar 3 Total	0.0	0.0	0.0
Total	0.0	-0.6	-1.8

Source: Home Office Internal Estimates

113. Table 17 shows the Equivalent Annual Direct Cost to Businesses of each Pillar. Pillar 2 has an EANDCB between £0.0 million and £0.1 million with a central estimate of £0.0 million. Pillars 1 and 3 are expected to have negligible EANDCBs. Total EANDCB is expected to be within £0.0 million and £0.1 million with a central estimate of £0.0 million.

Table 17: EANDCB, £ million, 2024/25 prices

	Low	Central	High
Pillar 1 Total	0.0	0.0	0.0
Pillar 2 Total	0.0	0.0	0.1
Pillar 3 Total	0.0	0.0	0.0
Total	0.0	0.0	0.1

Source: Home Office Internal Estimates

Value for money (VfM)

114. Some measures have potentially large negative NPSVs, and so explanations are provided as to why these measures represent Value for Money.

Table 18: Pillar 1: Protecting the public from violence and intimidation

Proposal	Value for Money
Expansion of Drug Testing on Arrest (DToA)	<ul style="list-style-type: none"> The estimated social value is negative because there are estimated to be substantial costs required to implement the policy, which outweigh the monetised benefits of additional referrals to treatment. There are some additional non-monetised benefits, which include improved police practices, better data recording and a better understanding of geographical differences in drug use and criminality. It is therefore uncertain whether the overall benefits would outweigh the total costs and provide good value for money when implemented, and further analysis such as an evaluation would be required to ascertain this.
Replacement of the Vagrancy Act 1824 (VA 1824)	<ul style="list-style-type: none"> This analysis indicates a net cost from this measure, caused by the fact that monetised estimates cannot be calculated of the benefits to police forces.
Community Safety Partnerships (CSPs)	<ul style="list-style-type: none"> This analysis indicates net cost, driven by the fact that monetised estimates for benefits have not been possible and are not reflected in the NPSV. Additionally, as additional CSP resource is not planned, the costs modelled surrounding the impact on CSPs time are not cashable costs.
Reform of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)	<ul style="list-style-type: none"> The NSPV indicates a net cost, however, these figures do not include the non-monetised benefits expected from the legislation, such as time savings and removing unnecessary administration,

	which should be considered when assessing the value for money of the legislation.
Knife Crime	<ul style="list-style-type: none"> It is not currently possible to assess the value for money of each option, as benefits are not monetised due to the absence of available evidence and data.

Table 19: Pillar 2: Enable law enforcement to respond to emerging crime types and threats

Proposal	Value for Money
SIM farms	<ul style="list-style-type: none"> Since there are no monetisable benefits, no Benefit-Cost Ratio (BCR) has been calculated. Costs of implementing / running this policy to the private sector are expected to be low. The only identified costs to the public sector are familiarisation costs and CJS costs, with CJS costs expected to be negligible. The reduction in volume and harm due to this policy is currently unknown. If the policy is successful in reducing fraud, evidence suggests that the potential benefits may be significant.
Domain names and IP addresses suspension	<ul style="list-style-type: none"> Given the expected costs of the measure, the number of crimes need to be prevented for the measure to achieve an economic breakeven point is low, with all crimes above this level a net benefit to UK society. While it is not possible to directly attribute domain and IP suspensions to a reduction in cyber crime and fraud, evidence from the National Cyber Security Centre suggests that domain suspensions have a positive impact on overall internet safety¹.
Suspended Accounts Scheme	<ul style="list-style-type: none"> The proposed policy offers good value for money, especially from an economic and efficiency perspective. The benefits outweigh the costs and provide a strong NPSV of £342.4 million, with a BNPV of £0.0 million. The benefits of the policy will accrue to the public sector, with the suspended funds being released to the government. The majority of the costs will be borne by the public sector, with there also being some relatively small private sector set up costs. The private sector may incur processing costs of releasing the funds through the scheme. These however have not been monetised as they are entirely voluntary and it is a business decision to release the suspended funds.
Reform of the confiscation regime	<ul style="list-style-type: none"> The proposed policy offers good value for money, especially from an economic and efficiency perspective, as the expected benefits greatly outweigh the costs. The benefits of the policy will accrue to the public sector, as efficiency gains in the court processes for confiscation allow for greater confiscation of criminal assets recovered through the Asset Recovery Incentivisation Scheme (ARIS)² system accruing to the Home Office, His Majesty's Treasury and POCA 2002 Agencies, and to victims through reimbursement.

¹ NCSC Annual Review 2022: https://www.ncsc.gov.uk/files/NCSC_Annual%20Review%202022_Resilience_infographic.pdf

² The objective of the Scheme is to provide operational partners with incentives to pursue asset recovery as a contribution to the overall aims of cutting crime and delivering justice. It divides net receipts from asset recovery between the Home Office and operational partners., ARIS Review Report (parliament.uk), https://data.parliament.uk/DepositedPapers/Files/DEP2015-0223/ARIS_Review_Report_unmarked.pdf

	<ul style="list-style-type: none"> The justice system will incur greater costs in terms of longer Crown Court hearings and the movement of cases from the Magistrates Court to the Crown Court, however these costs are much smaller in magnitude than benefits.
Articles used in serious crime and vehicle theft	<ul style="list-style-type: none"> The NPSV is estimated to be negative. This does not reflect the full value for money of this policy as only benefits associated with banning electronic devices used in vehicle theft have been monetised. The benefits associated with banning other articles used in Serious and Organised Crime are not monetised. When only considering parts of the measure where all key costs and benefits have been monetised (banning electronic devices used in vehicle theft), the NPSV is between -£2.24 million and -£1.05 million, with a best estimate of -£1.61 million. This figure still excludes any deterrence effect from banning electronic devices used in vehicle theft.
Serious Crime Prevention Orders (SCPOs)	<ul style="list-style-type: none"> All costs in this IA accrue to the public sector, and benefits are expected to accrue to both the public sector and individuals, through improved public safety and reduction in serious crime. There is insufficient data with which to monetise the benefits of this measure, so it is not possible to accurately determine the benefit-cost ratio of the preferred option.
Reform of the Identification Doctrine (IDD)	<ul style="list-style-type: none"> This analysis indicates a net cost from this measure, caused by the fact that monetised estimates cannot be calculated of the benefits from reduced crime.

Table 20: Pillar 3: Strengthening public confidence in policing

Proposal	Value for Money
Appeal Routes to the Police Appeals Tribunal	<ul style="list-style-type: none"> There are no monetised costs or benefits so value for money is difficult to determine
Introduce Code of Practice relating to Ethical Policing	<ul style="list-style-type: none"> The NPSV is negative, however all benefits are non-monetised such as increased public confidence in policing.
Powers of Entry to search and seize stolen property	<p>1. The NPSV indicates a net cost, however, the monetised benefits are likely to be underestimated as the assumption on number of stolen goods recovered and returned is conservative, and the time/efficiency savings to magistrates' courts have not been monetised/quantified.</p> <ul style="list-style-type: none"> There are also non-monetised benefits such as increased victim satisfaction and opportunities for proactive policing, which should be considered when assessing the value for money of the legislation
DVLA Data	<ul style="list-style-type: none"> There are no monetised costs or benefits. However, as the policy regularises an existing practice, if potential legal challenge to the practice is avoided then it is likely to deliver value for money

Place-based analysis

115. Most measures are not expected to have regional impacts. Those that do are discussed below:
116. **Replacement of the Vagrancy Act 1824:** This legislation will be applicable nationally and is not defined at a more local level. It is likely urban areas, where vagrancy is more prevalent, will use the

legislation more and incur more benefit but it will not be disproportionate, but rather concentrated where most needed.

117. **Reform of the Anti-Social Behaviour, Crime and Policing Act 2014:** This legislation will apply in England and Wales and is not defined at a more local level. Areas which have higher prevalence levels of ASB will make more use of the legislation and incur more benefit but it will not be disproportionate, but rather concentrate on where it is most needed.
118. **Knife Crime:** The benefits associated with the policy options are likely to be more concentrated in areas where knife crime is more geographically concentrated.
119. **SIM farms:** This measure will impact all UK-based companies equally and will follow the geographical distribution of UK businesses.
120. Victims of fraud are spread mostly evenly across the country. According to the Crime Survey for England and Wales, adults in the Southeast Southwest and East of England are most likely to be victims of fraud (9.2%, 7.4% and 6.9% victimised respectively) and adults in the Northeast of England are the least likely to be victims at (4.1% victimised)³.

Impact on small and micro-businesses

121. Most measures are not expected to have regional impacts. Measures that do are discussed below.
122. **SIM farms:** It is possible that not all customers of UK based suppliers and distributors will fall under the proposed exemptions. If this is the case, it is possible that some of these customers are SMBs and may see their revenue fall as they cannot obtain the devices.
123. **Reform of the confiscation regime:** While small and micro-businesses could be included in the remit of this policy, they are unlikely directly impacted due to the compact nature of the reform. Small law offices either specialise in confiscation or do not include it in their operations because of its complex nature, meaning their will either be low familiarisation costs or none.
124. **Articles used in serious crime and vehicle theft:** At the consultation stage, the argument was made that there could be an impact on small and micro firms that make, modify, supply, or offer to supply the specific articles listed, as they may be deterred from doing so. It is unclear how many firms legitimately provide these items currently and what proportion of these firms would be small or micro based firms. However, providing an exemption to small and micro firms would not allow this option to meet policy objectives.
125. The consultation has not returned any responses from businesses voicing concerns about the potential impact the proposals would have on their operations, costs, and revenue. On the balance of evidence, the impact on small and micro-businesses and medium-sized businesses is assumed to be negligible.
126. **Reform of the Identification Doctrine (IDD):** Previously, small and micro-organisations were at a disadvantage as they are more likely to have one or a low number of directors with responsibility for and oversight of everything in the corporation that are more easily identifiable to hold the corporate liable. The new model intends to level the playing field by better applying the IDD in instances where a company is large with multiple directing minds across varied business functions.

F. Proportionality

127. Every effort has been made to ensure the analysis in this impact assessment presents the best possible estimate of the likely impact of the options, given the time, resource and data available. These have been quantified where data is available, with risks highlighted in Section G.

³ Nature of fraud and computer misuse in England and Wales: appendix tables - Office for National Statistics (ons.gov.uk): <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureoffraudandcomputermisuseinenglandanddwalesappendixtables>

G. Risks

Table 21: Pillar 1: Protecting the public from violence and intimidation

Proposal	Risks
Expansion of Drug Testing on Arrest (DToA)	<p>Estimating the drug testing equipment and commercial cost</p> <ul style="list-style-type: none"> As highlighted in the non-monetised cost section, it is not possible to estimate the cost of the commercial processes required to procure equipment. It is also possible that the cost of specialised equipment for testing for specified Class B and C drugs will differ from the costs of existing machines, which is a risk for the estimated costs in the model. The risk may change the monetised impact of the legislation. However, in this current time, there are too many unknowns to calculate a reliable estimate <p>Incomplete data for all police forces in England and Wales</p> <ul style="list-style-type: none"> A large proportion of forces (39 out of 43 police forces in England and Wales) are setting-up or delivering DToA, or are expected to in the future, but the current dataset is missing data for all forces. This means that assumptions have been made to estimate future costs and spends on DToA. To mitigate these risks, ranges have been devised to show all possibilities of costs. <p>Inaccurately predicted DToA volumes</p> <ul style="list-style-type: none"> The estimation of the number of drug tests conducted per year is estimated by looking at historical drug testing figures. These are estimates subject to great uncertainty reflected in the low and high estimates. <p>An unexpected rise in the number of trigger offences committed:</p> <ul style="list-style-type: none"> DToA can be conducted following a trigger offence, or where an Inspector or higher has reasonable grounds to suspect specified Class A drug use has caused or contributed to the offence and authorise the test. A risk may arise from an unexpected rise in the number of trigger offences committed in a police force area which will put pressure on the testing capacity. The analysis tried to address this uncertainty by taking into account a longer-term series for number of tests and crime volumes.

<p>Replacement of the Vagrancy Act 1824 (VA 1824)</p>	<p>Data quality</p> <ul style="list-style-type: none"> • A risk of the analysis carried out in this impact assessment would be the gaps in available data. There was limited data around the volumes of people rough sleeping and no data on volumes of people begging. Volumes of people rough sleeping was estimated using the DLUHC report, “Support for people sleeping rough in England, September 2022”⁴ and a wide range was estimated to highlight the uncertainty around these figures. • Whilst, for volumes of begging figures, percentages of people that rough sleep and beg were acquired from a range of different sources⁵ and used to estimate these. There are significant limitations around the analysis within this impact assessment and these assumptions could have an effect on economic estimates. • There was an absence of data when estimating the volumes and costs of the use of BPNs and BPOs in tackling begging. Scenario based analysis was conducted following engagement with police, DLUHC and local authorities. Without any quantitative evidence to base assumptions on this could have an effect on the certainty of estimates and was not included in Table 15. <p>Training</p> <ul style="list-style-type: none"> • Discussions with stakeholders highlighted the risk that police forces may require training on how to deal with the new offence of organised begging. This impact cannot currently be monetised as figures in relation to this are currently unavailable. This could pose as a potential risk towards the certainty of current estimates. <p>Lack of use of new powers</p> <ul style="list-style-type: none"> • Another potential risk could be that police officers and local authorities may not adapt and embrace the switch to using new VA powers and remain using less fitting ASB powers (from the Anti-social Behaviour, Crime and Policing Act) and associated criminal sanctions. This could result in a misuse of resources in response to the use of these new powers. <p>Increased demand of new support services</p> <ul style="list-style-type: none"> • While not expected by stakeholders, there is potential for an observed increase in demand for support services resulting from the concentration of the new legislative powers. This could lead to a longer term increase in support capacity required, that may not be covered within the currently provided funding from DLUHC.
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⁴ Support for people sleeping rough in England, September 2022: <https://www.gov.uk/government/publications/support-for-people-sleeping-rough-in-england-september-2022/support-for-people-sleeping-rough-in-england-september-2022#:~:text=The%20latest%20data%20shows%2C%20there,same%20period%20since%20last%20year.>

⁵ Volumes of people rough sleeping: Support for people sleeping rough in England, September 2022: <https://www.gov.uk/government/publications/support-for-people-sleeping-rough-in-england-september-2022/support-for-people-sleeping-rough-in-england-september-2022#:~:text=The%20latest%20data%20shows%2C%20there,same%20period%20since%20last%20year.>

Volumes of people that rough sleep that beg: Sanders, B and Albanese, F, An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales:

https://www.crisis.org.uk/media/237532/an_examination_of_the_scale_and_impact_of_enforcement_2017.pdf

Volumes of people that beg: ‘Most arrested beggars not homeless, police figures suggest’: <https://www.bbc.co.uk/news/uk-33729766>

<p>Community Safety Partnerships (CSPs)</p>	<p>Non-compliance</p> <ul style="list-style-type: none"> • One risk to delivery is non-compliance with PCC recommendations due to political disagreements at a local level. For example, locally elected authorities and PCCs sometimes have political and strategic disagreements. • There is an additional risk of non-compliance because of ongoing limited accountability for CSPs. This risk will be mitigated and addressed under Phase Two of the CSP Review, which will explore further options for improving CSP accountability to central government. <p>Data</p> <ul style="list-style-type: none"> • Due to an absence of data surrounding the time the new tasks required by this legislation will take, assumptions have been developed based on Home Office policy officials subject knowledge and may not accurately represent the time each of those tasks take. The cost estimates outlined within this economic note may not capture the true costs of these new measures.
<p>Reform of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)</p>	<p>Data</p> <ul style="list-style-type: none"> • Due to an absence of data surrounding the process times of ASB powers (PSPOs) costs estimates for this were not monetised. Furthermore, assumptions were set around volumes of powers issued to estimate any additional court and legal aid costs from these new measures. This may not accurately represent the true costs and benefits of these new measures as these were based on subject matter experts assumptions rather than published data. This is, therefore, a risk of this analysis. <p>Scenario-based analysis</p> <ul style="list-style-type: none"> • Due to an absence of data, some costs and benefits estimates were calculated that could not be included within the NPSV figures due to being scenario based estimates using assumptions that were not supported by any evidence. This could mean that the NPSV figure is not an accurate representation of these new measures as it does not include all the costs and benefits identified within this legislation.
<p>Knife Crime</p>	<p>Familiarisation</p> <ul style="list-style-type: none"> • Across all options, the cost of familiarisation with the new legislation for all groups is dependent on the complexity of guidance produced, and the number of staff required to familiarise themselves with the guidance. <p>Data</p> <ul style="list-style-type: none"> • Under the measure to introduce a new police power to seize, retain and destroy legally held knives in private, critical areas of uncertainty will include the number of weapons which will be seized and destroyed (i.e. the extent to which the new powers will be used) and the appeal rate against seizures (which may have a feedback effect on use of powers). This will affect both police and CJS costs associated with the proposal.

- Under the measure to increase the maximum penalty for offences under s141 and s141A of the Criminal Justice Act 1988, there is uncertainty surrounding the number of additional cases of selling a blade to under 18s (s141A). NPCC have advised there would be 50 additional cases per year, roughly one per police force. However, this is a rough estimate and will affect the CJS costs associated with the proposal.
- Under the measure to introduce a new offence of possession of a bladed article with intent to use in connection with unlawful violence, there is uncertainty over the expected volume of cases under this new offence. This is mainly due to this being a new offence, where the threshold for and ease of proving intent is unknown. The estimated figure was obtained following analysis of the data on current possession of a bladed article offence, the proxy offence of possession of firearms with intent to endanger life or cause fear of violence, and consultation with NPCC stakeholders.
- There is further uncertainty surrounding how offenders under the new possession of a bladed article with intent to use in unlawful violence offence will be treated by the CJS. Assumptions on the conviction rate, crown court/ magistrate's court split, and sentencing outcomes were made using proxy offences. A critical area of uncertainty is also the length of custodial sentence given to convicted offenders. This was estimated to be double that of the existing offence of possession of a bladed article, but there was insufficient data and evidence to base this assumption on. The implications of this assumption on costs to the CJS are significant, therefore the ACSL of this new offence will be closely monitored following implementation.
- It will not be possible to quantify the impacts on knife-related injuries, hospital admissions, and homicides resulting from the proposals in the final Impact Assessment. Benefits will therefore be appraised using breakeven analysis, demonstrating the number of homicides, robberies, and violence with injury offences which would need to be prevented in order for proposals to have an overall net benefit to society. Reductions in harms under the latter measures will depend on the extent to which more severe penalties act as a deterrent against knife crime.

Unintended consequences

- Although the power detailed above, can be applied to any knife in a private property, the police would need to have reasonable grounds to suspect an article is likely to be used in connection with unlawful violence. This could therefore, present a risk that a knife is left on the property because it was not deemed likely to be used in connection with unlawful violence or crime but an individual resorts to using it in such a way because other knives have been removed from the property.

Table 22: Pillar 2: Enable law enforcement to respond to emerging crime types and threats

Proposal	Risks
SIM farms	<p>Data</p> <ul style="list-style-type: none"> • There is a risk that the impact to business would be higher than it has been possible to estimate, due to the limited evidence base. From extensive engagement with legitimate suppliers this risk is expected to be low. • The key analytical risk lies in a lack of monetised analysis. Limitations in data and evidence meant this was not possible. Available evidence shows that the scale of the problem, and therefore potential benefits are high: <ul style="list-style-type: none"> • According to the August 2022 Ofcom Scams Survey, in the period June-August 20223, an estimated 40.8 million adults in the UK reported they had received a suspicious message. • Of these people, an estimated 700,000 followed the scammer’s instructions risking victimisation. • One police investigation discovered that five SIMs had sent over 900,000 messages in one SIM farm between April and October in one year. • This analytical risk is somewhat mitigated by the fact that the magnitude of expected potential benefits show that costs must be significantly higher than expected for VfM to be negative. <p>Displacement</p> <ul style="list-style-type: none"> • The proposed ban would limit criminals’ ability to send out mass SMS, however it may displace criminals to other methods of committing fraud. The Home Office is aware of several potential ways around the ban which would still enable SMS to be sent out on a large scale. • These alternative methods are often more expensive, require more technological knowledge, or are less efficient. The ban can therefore still be expected to reduce the number of scam texts being sent. The risk is therefore that the benefits may not be as large as expected, but would still outweigh the costs of displacement. • The proposed legislation includes a provision that allows the Home Secretary to ban further technologies, to mitigate the risk around displacement.
Domain names and IP addresses suspension	<p>Displacement</p> <ul style="list-style-type: none"> • There is a risk of displacement, where domain name/ IP addresses suspended may lead to harmful domain names/IP addresses being created elsewhere; this is not accounted for in the analysis, However the impact of displacement is unlikely to outweigh that of suspension. • The benefits are not monetised or included in the NPSV to account for reduced crimes, the NSPV would not be impacted in the case of displacement.

Suspended Accounts Scheme	<p>Data</p> <ul style="list-style-type: none"> • The analysis is based on data provided by the banks who responded to the survey. As not all survey recipients responded, the dataset is therefore incomplete. Furthermore, each organisation will have their own appetite for releasing funds as ultimately the Scheme is entirely voluntary. This uncertainty around the amount of funds that will be released is reflected in the economic analysis through the conservative range of estimates for the amount of funds released per year. If these survey results prove to be inaccurate, it could lead to a higher or lower benefit figure depending on the actual engagement from the banking sector. • Reclaim Fund Ltd (RFL) contracting costs for the dormant asset scheme have been used a proxy to estimate the costs of the suspended accounts scheme. While it is impossible to estimate an exact proxy, this is the most appropriate estimate to make for this analysis due to the similarities in the two schemes. If this assumption proves to be incorrect then the costs of the scheme could be higher and lower than the estimated amount.
Reform of the confiscation regime	<p>Low confiscation</p> <ul style="list-style-type: none"> • The introduction of “Early Resolution of Confiscation” (EROC) is modelled to improve confiscation rates within this policy. The risk of this not occurring is estimated to be extremely low with evidence obtained by the Law Commission suggesting that settlements are being reached within EROC hearings. However, if these hearings are unsuccessful, this would result in this policy’s benefits being overstated. <p>Data</p> <ul style="list-style-type: none"> • The proposed reduction in court hearings was left unmonetised as any reduction in confiscation hearings induced by the early resolution process is expected to be balanced by more enforcement hearings occurring. If the number of court hearings reduced by two per cent to five per cent, this would result in a benefit increase of between £558 and £3,253 a year, undiscounted. As this increase does not impact the policy model outputs across the whole appraisal period, the risk of understated benefits is low. A negligible impact also occurs for a 10 per cent reduction in court hearings. • The policy benefits are derived from improved resolution of complex confiscation cases which are valued at least £50,000. There is a risk that some confiscation orders which are valued below the £50,000 threshold could be complex if they involve multiple defendants or third-party interests. If more orders for cases valued below the £50,000 threshold occur, this would reduce the expected benefits of this policy. The risk of the benefits for complex case resolution being overstated within this policy are expected to be low with evidence obtained from the Law Commission suggesting these cases are the most difficult to solve. The law commission found that 95 per cent of defendants settled cases when confiscation values were less than £50,000.

	<ul style="list-style-type: none"> • The increased confiscation potential as a result of the policy is estimated using uplifts of 2 per cent [low], 6 per cent [central], 10 per cent [high]. The uplifts are based upon forensic identification and discussion of all policy proposals between the Law Commission and external partners to assess which the likely impact on recoverable debt, meaning the uplifts are based upon the most reliable data sources available for the IA. The values take a relatively broad range from 2 per cent to 10 per cent. If the uplifts are overly optimistic, the policy benefits could be overstated and the realised benefits could be closer to the lower bound estimate.
Articles used in serious crime and vehicle theft	<p>Volume of offences/offenders</p> <ul style="list-style-type: none"> • These results have been triangulated with other data sources, which suggest these estimates should be considered an upper bound, although there remains a possibility that law enforcement agencies may actively target these devices upon the creation of the new offences. Due to significant uncertainty and limited data, it has not been possible to separate out the volume of offences between an offence of making, modifying, supplying, offering to supply a specified article, versus only possessing a specified article. Another aspect to this risk is that this offence may be subsumed in the courts and treated as a sub-offence (such as drug trafficking or possession of a firearm). • Prevalence of these articles are assumed to remain constant over time. This assumption however is unlikely to hold. In the case of 3D printing firearm templates, there is a strong expectation that the technology, reliability, and accessibility to 3D firearms/templates is likely to improve over the appraisal period as the technology becomes more mainstream to OCGs. Without reliable volumes for each individual article, it has not been possible to account for this in the analysis. Conversations with NCA subject matter experts suggest the volume of such cases involving 3D printing firearm templates is expected to be low. This means the potential impact of an increase in related offences is expected to be marginal. • Increased policing of these articles could shape organised criminal behaviour into adopting the use of other articles for serious organised crime. The volume of offences is therefore also dependent on HM Government taking steps to add to the list of specified articles under secondary legislation, to ensure that the list can be updated as serious crime evolves. <p>Usage of powers</p> <ul style="list-style-type: none"> • There is uncertainty regarding how law enforcement and the courts will use this offence in practice. The charge rate of offences going to court has a significant impact on costs. Similarly, the proportion of those convicted where the sentencing outcome is an immediate custodial sentence impacts significantly on prison places and prison-associated set up and ongoing costs. There is also uncertainty surrounding the split in offenders going through either Crown or Magistrates' courts, which has an impact on costs. This has been partially mitigated in the IA with the approach that has been taken to use a weighted average of offences to estimate law enforcement and CJS outcomes.

	<p>Data</p> <ul style="list-style-type: none"> • It has not been possible to monetise all costs associated with this proposal. This may have an impact on the NPSV. It has not been possible to obtain volume and unit cost estimates for the use of civil seizure and forfeiture powers.
<p>Serious Crime Prevention Orders (SCPOs)</p>	<p>Number of additional SCPOs</p> <ul style="list-style-type: none"> • The estimate of the range of additional SCPOs that will be made on acquittal was decided by experts from the NCA and HMRC. There is a risk that the number of additional SCPOs may be higher than expected. This would lead to increased criminal justice costs due to a higher number of SCPO applications and potentially due to a higher number of breaches of SCPOs. A range of potential additional SCPOs has been employed in this IA in order to reflect this uncertainty. • The estimate of the range of additional SCPOs which employ electronic monitoring was decided by experts from the MPS. There is a risk that a larger proportion of SCPOs will impose electronic monitoring than has been anticipated. This could lead to an increase in criminal justice costs due to a higher number of breaches being detected. <p>Breach Rate</p> <ul style="list-style-type: none"> • The breach rates employed in this IA are based on historical breach rates for SCPOs. However, breach rates associated both with additional SCPOs and with the use of electronic monitoring could be higher than expected. This would lead to increased criminal justice costs, especially if this leads to an increased use of custodial sentences. <p>Workload</p> <ul style="list-style-type: none"> • There is a risk that the implementation of all new SCPOs imposing a prescribed set of notification requirements cannot be absorbed within existing workloads if law enforcement partners do not have existing arrangements already in place for monitoring and enforcing the SCPOs which they already own. This could result in increased costs to law enforcement.
<p>Reform of the Identification Doctrine (IDD)</p>	<p>Economic and analytical risks, and uncertainties</p> <ul style="list-style-type: none"> • As organisations can already be prosecuted for the IDD under common law, extending the principle slightly and codifying it in statute would not attract any new risks. Criminal Justice System costs have not been estimated due to an absence of evidence on potential volumes. However, following engagement with the CPS and SFO, Home Office expects the number of additional court cases to be low, and therefore Criminal Justice System costs to be low. <p>Main assumptions in the analysis</p> <ul style="list-style-type: none"> • The only costs identified are familiarisation costs. The analysis assumes these will be incurred as opportunity costs for the time of company secretaries in large companies.

	<ul style="list-style-type: none">• The analysis assumes that SMEs will not take significant steps to familiarise themselves with the legislation as it is highly unlikely they will be directly impacted.
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Table 23: Pillar 3: Strengthening public confidence in policing

Proposal	Risks
Appeal Routes to the Police Appeals Tribunal	<p>Confidence in the disciplinary system</p> <ul style="list-style-type: none"> The main risk is extensive additional use of the appeals system, which could undermine confidence in the disciplinary system. However, this measure is complemented by the measure introducing a presumption of dismissal for proven gross misconduct. Therefore, this risk is likely to be mitigated.
Introduce Code of Practice relating to Ethical Policing	<p>Following guidance</p> <ul style="list-style-type: none"> Chief officers must give regard to the Code of Practice, however there can be no full assurance that chief officers and the officers and staff they lead will follow the guidance. This will also be difficult to monitor as judgements of openness and transparency can be hard to assess. It is expected that HMICFRS and PCCs will hold chief officers to account in this area, but this does not give full assurance that officers will act candidly when appropriate. Furthermore, given the scrutiny by PCCs and HMICFRS will not be statutory (and not included within the legislation), this will be expected as part of their normal scrutiny functions. There are, however, levers (such as directing HMICFRS to conduct an inspection) that the Home Secretary could use to ensure this area is prioritised as part of their scrutiny functions if necessary. <p>Duty of candour</p> <ul style="list-style-type: none"> The implementation of the Code of Practice and therefore the duty of candour will vary across the police forces that the guidance is relevant to. This will mean that there may be a different understanding of how to follow the guidance for officers. This may mean that there will be variations of adherence to the guidance and the duty. This will be repeated for local policing bodies (PCCs) as scrutiny functions will differ across force areas. <p>Not issuing guidance</p> <ul style="list-style-type: none"> There is a risk that the College of Policing will not issue the guidance as directed by this legislation as there is no sanction, although there is a sanction if necessary, through judicial review. However, given the status of the College of Policing as a professional body for policing and that the College Board is accountable to the Home Secretary for the discharge of the College's function/ns, the Home Secretary can direct the College in exercising particular functions. The College of Policing has already produced previous guidance in 2014, the Code of Ethics, relating to ethics, and it is expected that the draft Code of Practice for ethical policing will issue guidance in this area. Both the College of Policing and the NPCC are supportive of this proposal.
Powers of Entry to search and seize stolen property	<p>Volume of offences impacted</p> <ul style="list-style-type: none"> There is a risk that the volume of offences impacted by the proposal is understated, as the analysis assumes that only mobile phone and vehicle theft will be impacted/ tracked. In reality, there are countless items of property that can be tracked,

and circumstances where a stolen good can be identified in a property without a tracking device.

- There is uncertainty surrounding: the volume of mobile phone theft, as police recorded crime data and data from the Crime Survey for England and Wales give provide different figures; the proportion of these cases where police will be able to track a stolen good to a property; and the proportion of these cases which will lead to an additional charge. This uncertainty has been reflected in the low, medium, and high assumptions-based scenarios used in the appraisal.

Volumes of charges

- There is a risk of overestimating additional charges for handling of stolen vehicles. Conversations with policing stakeholders indicate that when vehicles are stolen, they are often stored in an inconspicuous location that is not tied to a specific address. Therefore it will likely be difficult to identify and subsequently charge a suspect in practice.
- There is a risk that the benefits captured in the analysis are underestimated. It is assumed that one charge is equivalent to one stolen item recovered and returned. In reality, there may be circumstances where an item is recovered with no suspect attached, or one suspect/charge has multiple items of stolen property.

Risks to public confidence

- Warrantless powers are by nature highly intrusive and are currently available to police only in a limited number of circumstances. Whilst police recognise the operational value of this proposed new power, they have also raised several concerns around their ability to use the power accurately and the accompanying risk to public confidence, and the risk to police officers themselves if mistakes are made. Police stakeholders tell us that GPS or other location data is not always sufficiently accurate to isolate a particular address. Such data is usually accurate to within 5-10 metres which is likely to be adequate in rural areas but not in urban locations with multi-story dwellings, or in homes of multiple occupancy. There would be a risk of police forcing entry to homes of individuals who have committed no offence, invading their privacy, decreasing confidence in policing and potentially damaging property for which the police force would be financially liable. This risk would be mitigated by the thresholds in place for the power to be utilised and the need for the authority of an inspector. To further mitigate the risk in multi-story dwellings, additional corroboration of the location would be required, however this would reduce the ability of the police to respond quickly.
- Should stolen items be seized, they would not be returned to victims quickly if there is to be any chance of a suspect being charged and prosecuted. Police would need to retain stolen items as evidence to support a prosecution, for example to ensure forensic examination can take place. This would likely increase victim frustration and decrease public confidence in policing, and

	potentially lead to an increase in victims not supporting further police action to have their stolen property returned. It is also worth considering the implications for any insurance claims in such circumstances, as there may be a risk the victim would be left worse off.
DVLA Data	<ul style="list-style-type: none"> As this is an extant practice, being regularised, there are minimal risks associated

H. Direct costs and benefits to business calculations

128. There is not expected to be any direct costs or benefits to businesses as a result of this legislation in Pillar 1.

129. Pillar 2 does involve costs/benefits to businesses, which are discussed in the table below.

Table 24: Pillar 2: Enable law enforcement to respond to emerging crime types and threats

Proposal	Direct Costs/Benefits to businesses
SIM farms	<ul style="list-style-type: none"> Not monetised
Domain names and IP addresses suspension	<ul style="list-style-type: none"> Present value costs to business over 10 years could fall between £2 thousand (£0.00 million) in the low case and £6 thousand (£0.00 million) in the high case with a central estimate of £4 thousand (£0.00 million).
Suspended Accounts Scheme	<ul style="list-style-type: none"> Total costs to business of the scheme are estimated to lie in a range of £0.0 to £0.6 million with a central estimate of £0.2 million (PV over 10 years). Monetised costs to business are not included in the EANDCB as entry to the scheme is voluntary. These costs are reflected in the NSPV and BNPV.
Reform of the confiscation regime	<ul style="list-style-type: none"> Not monetised
Articles used in serious crime and vehicle theft	<ul style="list-style-type: none"> Total costs to businesses from the scheme are estimated to lie in a range of £0.0 to £0.2 million with a central estimate of £0.1 million. This stems exclusively from familiarisation costs.
Serious Crime Prevention Orders (SCPOs)	<ul style="list-style-type: none"> Not monetised
Reform of the Identification Doctrine (IDD)	<ul style="list-style-type: none"> Total costs to businesses from the scheme are estimated to lie between £0.1 million and £1.0 million with a central estimate of £0.4 million

130. The measures in Pillar 3 are not expected to generate any direct costs or benefits to businesses.

I. Wider impacts

131. An Equalities Impact Assessment has been carried out in addition to this Impact Assessment.

132. In addition, the measures included in the impact assessment have a wide range of impacts. See the tables below for a discussion of each pillar's measures.

Table 25: Pillar 1: Protecting the public from violence and intimidation

Proposal	Wider Impacts
Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs	<ul style="list-style-type: none"> • There are potential risks to the provision of drug treatment following individuals' referrals. This could include longer waiting times as drug treatment services may become overwhelmed from their possible rise in arrest referrals. This would mean high priority individuals, such as opiate users, may miss out on drug treatment, posing a risk to society. • An increase in referrals may also not lead to an increase in the proportion of successful treatments and could lead to an increase in people leaving treatment early which would reduce the wider benefit to society. • The Swift, Certain, Tough White Paper public consultation highlighted a risk that DToA expansion could disproportionately impact individuals with protected characteristics, particularly individuals from ethnic minorities. Those who responded to the consultation noted that individuals from ethnic minorities may be more likely to be targeted for testing. The Home Office is working with police forces to reduce this important risk by ensuring police forces are aware of the processes regarding DToA and are aware of their duties under the Public Sector Equality Duty (PSED) through direct engagement
The Replacement of the Vagrancy Act 1824	<ul style="list-style-type: none"> • There are no wider impacts expected of this policy.
Community Safety Partnership Review and anti-social behaviour provision	<ul style="list-style-type: none"> • There are no wider impacts expected of this policy.
Amend the powers in the Anti-Social Behaviour, Crime and Policing 2014 Act with updated legislation and a suite of civil measures specific to Anti-Social Behaviour.	<ul style="list-style-type: none"> • There are no wider impacts expected of this policy.
Knife Crime	<ul style="list-style-type: none"> • Upgrading the category of selling knives to those aged under 18 to either way will mean that retailers will need to ensure that they keep any relevant documentation (for example, copy of proof of age) for two years following point of sale. However, responses to the consultation indicate that this cost would be negligible for the vast majority of retailers, as many of them employ this practice currently due to prior firearms legislation. • The proposals may lead to a reduction in fear of crime, however this has not been quantified due to lack of evidence on the specific drivers of fear of knife crime, and the extent to which the proposals will affect this.

Table 26 : Pillar 2: Enable law enforcement to respond to emerging crime types and threats

Proposal	Wider Impacts
Ban the supply or possession of devices known as 'SIM farms' in the UK	<ul style="list-style-type: none"> The proposed legislation includes a provision that the Home Secretary is able to ban further technologies via secondary legislation subject to the affirmative procedure in Parliament if certain criteria is met. This aims to ensure the government can act quickly if criminals start to use different methods of communications to send out scam texts or calls, to prevent displacement to other technologies.
Suspension of Internet Domain Names and Internet Protocol Addresses	<ul style="list-style-type: none"> This policy should increase public confidence in the UK's ability to police online activity and safety abroad.
Suspended Accounts	<ul style="list-style-type: none"> There are no wider impacts expected of this policy.
Reform the confiscation regime in the Proceeds of Crime Act 2002	<ul style="list-style-type: none"> This policy will lead to more successful cases of confiscation and improve public satisfaction rates as victims' losses are minimised or reversed. This is expected to disincentivise future crime as confiscation hearings have higher recovery rates, meaning criminals recognise the risks of larger compensation payments which were introduced by this policy. As a result, the legal system will be viewed as more legitimate and any reduction in criminal behaviour benefits wider society.
New offences to criminalise the making, modification, import, supply, offer to supply and possession of articles for use in serious crime and vehicle theft	<ul style="list-style-type: none"> Increasing the difficulty of supplying and possessing the proposed list of articles used in serious organised crime could impact on the operations of organised crime groups. In turn this could impact the revenues and profits achieved from organised crime. The increased policing of these articles could shape organised criminal behaviour into adopting the use of other articles for serious organised crime. As the nature of serious crime evolves, adding/removing to the list of specified articles will be a requirement to ensure policing of this offence remains fit for purpose. In the case of 3D printed firearm templates, if the intervention is successful in reducing the availability of viable 3D printed firearms, the number of homicides may reduce. It is important to note that this potential impact is expected to be small, as the number of 3D printed firearms as a proportion of the UK's illegal firearms market is understood to be small yet has grown in recent years. Reduction in the availability of benzodiazepines could positively lead to reduced drug use and a reduction in drug-related harm.
Proposals to strengthen and improve the functioning of Serious Crime Prevention Orders (SCPOs)	<ul style="list-style-type: none"> There are no wider impacts expected of this policy
Reform the Identification Doctrine	<ul style="list-style-type: none"> There are no wider impacts expected of this policy

133. The measures included within Pillar 3 are concentrated on police operational systems and have no wider Impacts,

J. Trade Impact

134. Most measures included in the impact assessment are not expected to have an impact on trade. The measures that are expected to have an impact are discussed below.
135. **SIM farms:** There may be a small negative trade impact because of the proposed change in legislation which would increase the burden on companies who legitimately import devices into the UK. Companies will be required to evidence they are importing the devices 'in the course of business'.
136. **Reform the Identification Doctrine:** This measure will apply to any corporate body or partnership, whether registered in the UK or under similar arrangements overseas. The senior manager must commit an offence under UK law, but they might not necessarily have a UK branch or subsidiary.

K. Monitoring and evaluation plan

137. Details on each measure's monitoring and evaluation plans are provided in the tables below..

Table 27: Pillar 1: Protecting the public from violence and intimidation

Proposal	Monitoring and Evaluation
Expansion of Drug Testing on Arrest (DToA)	<p>Monitoring data</p> <ul style="list-style-type: none"> • The DToA programme is subject to ongoing monitoring and oversight. To assess whether these objectives are being met, it will be necessary to continue to monitor police force use of DToA to identify trends and patterns of usage through monthly data collection. Furthermore, police forces are required to report their progress to the Home Office through the grant monitoring system. • At present a number of police forces are returning data to the Home Office on their use of DToA. For the majority of police forces who have accepted Home Office DToA funding data is expected to be routinely collected by the end of FY 2023/24 or once a police force starts conducting DToA. • The current data collection tools can be easily updated to incorporate future changes to DToA such as an expansion in the types of drugs tested for, and the results of those tests. If DToA expands to include more drug types, these will be incorporated into the collection and will support any future modelling. <p>Evaluation</p> <ul style="list-style-type: none"> • An externally commissioned evaluation is underway to cover Year two of the current DToA expansion programme, and Year three subject to future funding. This will include a process, impact, and economic evaluation, assessing the success of the DToA expansion in increasing the use of DToA, directing more individuals into treatment, and ultimately reducing drug use and drug related offending. • Subject to timings, this evaluation will be expected to cover any legislative changes that take place during this period, to assess their impacts on police force use of DToA.
Replacement of the Vagrancy Act 1824 (VA 1824)	<ul style="list-style-type: none"> • The problems and challenges faced vary geographically due to the very differing demographics of those who beg and or rough sleep in any particular area. Certain areas, often urban and with good transport connections and a variety of agencies offering rough sleepers support, are more attractive to those who rough sleep and/or beg and present a larger challenge than other smaller towns and rural areas and so that needs to be considered with any evaluation of success. • Local authorities lead their areas' partnership approach to rough sleeping and begging and accordingly will provide different services, support offers depending on their analysis of the scale and nature of their local issues. Local authorities will also have different approaches to enforcement with this group too. • Given the very different scale of those who rough sleep and beg between areas, it is not proposed to use league tables as a suitable tool to accurately reflect progress. More fundamentally, as outreach and engagement remains the first step to supporting this group away from the streets, areas with lower enforcement

	<p>figures may be reflecting successful assertive outreach outcomes (as seen in some areas currently).</p> <ul style="list-style-type: none"> • Instead, after this new legislation has been introduced there will be continued engagement with forces and local authorities to support its use and understanding. The Home Office will work with the NPCC and College of Policing to ensure appropriate guidance and toolkits are available for the police and with DLUHC to ensure guidance for local authorities. The department will engage with forces and PCCs to understand how and when police are using these new tools to monitor and evaluate uptake, and will seek DLUHC support to monitor local authority uptake and feedback. • The department will be asking PCCs, police and other appropriate partners for their feedback, at intervals to be decided through further engagement with stakeholders, as to how effective this new legislation is proving to be as well as how well the guidance is helping embed the new tools in police forces and local authorities. Monitoring use of these new tools will also be possible via Ministry of Justice prosecution data. The Home Office will be looking at ways in which the use of positive treatment referrals and orders within this new framework can be considered as ultimately it is only when people who rough sleep and beg change their wider circumstances that sustainable behavioural change and reduced offending can be expected.
Community Safety Partnerships (CSPs)	<ul style="list-style-type: none"> • Implementation of this legislative measure will be monitored via phase two of the Community Safety Partnership Review, which is expected to launch in 2024 and engages both a steering board and working group of community safety partners so will have the opportunity to evaluate success of implementation of these measures. • Following implementation of this measure, the Home Office will ensure engagement with trusted partners and practitioners is undertaken to monitor the implementation and effectiveness of the new measures.
Reform of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)	<ul style="list-style-type: none"> • Following implementation, the Department will monitor the impact and effectiveness through data on use of powers and review the implementation of powers. Further to this, engagement with trusted stakeholders and practitioners will be carried out to monitor implementation and effectiveness of the extended ASB powers.
Knife Crime	<ul style="list-style-type: none"> • The impact of the proposed measures will be monitored using feedback from the police and Trading Standards, and through statistics relating to the prosecution of the new offences. The Home Office will also keep under review the impact of the measures on business.

Table 28: Pillar 2: Enable law enforcement to respond to emerging crime types and threats

Proposal	Monitoring and Evaluation
SIM farms	<ul style="list-style-type: none"> The Home Office will develop a monitoring and evaluation plan once the legislation and operational delivery have been finalised
Domain names and IP addresses suspension	<ul style="list-style-type: none"> Monitoring and evaluation will be included in existing processes, including internal operational reporting and cross government strategy reporting.
Suspended Accounts Scheme	<ul style="list-style-type: none"> There will be broader monitoring and evaluation of the government's Economic Crime Plan 2, of which suspended funds will be captured as a component in relation to the forthcoming work linked to Action 42 of the plan, regarding the development of an outcomes framework.¹
Reform of the confiscation regime	<ul style="list-style-type: none"> There will be broader monitoring and evaluation of the government's Economic Crime Plan 2, of which improved confiscation resulting from reform of POCA 2002 funds will be captured as a component in relation to the forthcoming work linked to Action 12 and Action 42 of the plan², regarding the development of performance and outcomes frameworks.
Articles used in serious crime and vehicle theft	<ul style="list-style-type: none"> Following implementation of this measure, the Home Office will engage with trusted partners to monitor the implementation and effectiveness of the new measures, including taking steps to add to the list of specified articles under secondary legislation, to ensure that the measures can be updated and remain relevant as serious crime evolves. The Home Office will, within three to five years after the legislation has received Royal Assent, submit to the relevant Commons departmental select committee a memorandum reporting on certain critical elements of the Act's implementation and operation.
Serious Crime Prevention Orders (SCPOs)	<ul style="list-style-type: none"> The Home Office will, within three to five years after the legislation has received Royal Assent, submit to the relevant Commons departmental select committee a memorandum reporting on certain critical elements of the Act's implementation and operation.
Reform of the Identification Doctrine (IDD)	<ul style="list-style-type: none"> As this measure is significant the Home Office will take a high evidence approach to evaluating this measure and any subsequent secondary legislation. To address this, the Home Office will: <ul style="list-style-type: none"> Use a mix of primary and secondary data sources to assess the impact of the measure on businesses. Seek feedback from law enforcement on the impact from the regulatory change on fraud investigations and prosecutions.

¹ Action 42, p.g. 82, Economic Crime Plan 2 2023-26 (publishing.service.gov.uk): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147515/6.8300_HO_Economic_Crime_Plan_2_v6_Web.pdf

² Action 12, p.g. 38, Economic Crime Plan 2 2023-26 (publishing.service.gov.uk), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147515/6.8300_HO_Economic_Crime_Plan_2_v6_Web.pdf

	<ul style="list-style-type: none">• Carry out a survey of stakeholders exploring, inter alia, whether there have been any unintended consequences from the measure.
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Table 29: Pillar 3: Strengthening public confidence in policing

Proposal	Monitoring and Evaluation
Appeal Routes to the Police Appeals Tribunal	<ul style="list-style-type: none"> • Statistics on police misconduct are now published annually by the Home Office and will capture the number of appeals brought to the Police Appeals Tribunal by chief officers under the new legislation. Data collated by the Association of Police and Crime Chief Executives (APACE) has been provided on the number of judicial review applications brought by chief officers against misconduct panel decisions. • The expectation would be that this measure leads to a reduction in appeals going to judicial review, and an increase in those taken via the new route to a Police Appeals Tribunal. However, given the introduction of a separate measure to make dismissal the presumption in cases of proven misconduct, it is expected overall volumes will be low. The impact of this measure will therefore be monitored initially via the Home Office and APACE datasets. If further evaluation work is deemed necessary once monitoring data is available in future, plans will be developed accordingly.
Introduce Code of Practice relating to Ethical Policing	<ul style="list-style-type: none"> • The implementation of the Code of Practice for ethical policing will be primarily led by policing itself. This will include: <ol style="list-style-type: none"> a. Internal and external communications for police forces. This will include the development of materials (such as videos) to promote case studies representing the important principles of the Code of Ethics. b. Events including various partners to launch the Code of Ethics. This will include those bodies who will be holding chief officers to account c. Development of knowledge and learning material. This will ensure that all new entry routes incorporate the new Code of Ethics (including the Code of Practice for ethical policing and duty of candour). d. Awareness for those who assess misconduct, including training for Professional Standards Departments. • HMICFRS and PCCs will hold chief officers to account. This is not a statutory duty, so while there will be guidance, PCCs and HMICFRS can decide how to scrutinise chief officers. HMICFRS will undertake inspections as part of their regular schedule to assess the implementation of the broader Code of Ethics. PCCs as part of their normal scrutiny functions and the APCC as part of their grant funding have a deliverable related to this area of work. • The regularity of a review for the Code of Practice every five years will also mean that this is regularly assessed and can adapt to any necessary changes to reinforce parts of the guidance. This will also mean that the Home Secretary will receive assurance that the Code of Practice is being updated appropriately and that the Department (and those on the consultee list) will have regular oversight of the content.

Powers of Entry to search and seize stolen property	<ul style="list-style-type: none"> The expectation would be that there would be fewer search warrants applied for as a result of this power, and a greater number of stolen items retrieved. The number of searches undertaken using the new power, or the change (reduction) in the number of search warrants applied for, could be identified to help monitor the effectiveness of the legislation.
DVLA Data	<ul style="list-style-type: none"> As the practice being regularised is an existing and ongoing one, it would be difficult and disproportionate to establish a baseline for any evaluation.

L. Annexes

138. There are no annexes to this impact assessment.

Impact Assessment Checklist

Mandatory specific impact test - Statutory Equalities Duties	Complete
<p>Statutory Equalities Duties</p> <p>The public sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. [Equality Duty Toolkit]</p> <p>The SRO has agreed these summary findings.</p>	<p>Yes</p>

Economic Impact Tests

Does your policy option/proposal consider...?	Yes/No (page)
<p>Business Impact Target The Small Business, Enterprise and Employment Act 2015 (s. 21-23) creates a requirement to assess the economic impacts of qualifying regulatory provisions on the activities of business and civil society organisations. [Better Regulation Framework Manual]</p>	Yes
<p>Review clauses The Small Business, Enterprise and Employment Act 2015 (s. 28) creates a duty to include a review clause in secondary legislation containing regulations that impact business or civil society organisations.</p>	N/A
<p>Small and Micro-business Assessment (SaMBA) The SaMBA is a Better Regulation requirement intended to ensure that all new regulatory proposals are designed and implemented so as to mitigate disproportionate burdens. The SaMBA must be applied to all domestic measures that regulate business and civil society organisations, unless they qualify for the fast track. [Better Regulation Framework Manual]</p>	Yes
<p>Clarity of legislation Introducing new legislation provides an opportunity to improve the clarity of existing legislation. Legislation with multiple amendments should be consolidated, and redundant legislation removed, where it is proportionate to do so.</p>	N/A
<p>Primary Authority Any new Government legislation which is to be enforced by local authorities will need to demonstrate consideration for the inclusion of Primary Authority, and give a rationale for any exclusion, in order to obtain Cabinet Committee clearance. [Primary Authority: A Guide for Officials]</p>	N/A
<p>New Burdens Doctrine The new burdens doctrine is part of a suite of measures to ensure Council Tax payers do not face excessive increases. It requires all Whitehall departments to justify why new duties, powers, targets and other bureaucratic burdens should be placed on local authorities, as well as how much these policies and initiatives will cost and where the money will come from to pay for them. [New burdens doctrine: guidance for government departments]</p>	N/A
<p>Competition The Competition guidance provides an overview of when and how policymakers can consider the competition implications of their proposals, including understanding whether a detailed competition assessment is necessary. [Government In Markets Guidance]</p>	N/A

Social Impact Tests

<p>New Criminal Offence Proposals Proposed new criminal offences will need to be agreed with the Ministry of Justice (MOJ) at an early stage. The Justice Impact Test (see below) should be completed for all such proposals and agreement reached with MOJ before writing to Home Affairs Committee (HAC) for clearance. Please allow 3-4 weeks for your proposals to be considered.</p>	Yes
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<p>Justice Impact Test</p> <p>The justice impact test is a mandatory specific impact test, as part of the impact assessment process that considers the impact of government policy and legislative proposals on the justice system. [Justice Impact Test Guidance]</p>	Yes
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<p>Privacy Impacts</p> <p>A Privacy Impact Assessment supports an assessment of the privacy risks to individuals in the collection, use and disclosure of information. [Privacy Impact Assessment Guidance] or [Contact the Corporate Security Information Assurance Team Helpline on 020 7035 4969]</p>	N/A
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<p>Family Test</p> <p>The objective of the test is to introduce a family perspective to the policy making process. It will ensure that policy makers recognise and make explicit the potential impacts on family relationships in the process of developing and agreeing new policy. [Family Test Guidance]</p>	N/A
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<p>Powers of Entry</p> <p>A Home Office-led gateway has been set up to consider proposals for new powers of entry, to prevent the creation of needless powers, reduce unnecessary intrusion into people’s homes and to minimise disruption to businesses. [Powers of Entry Guidance]</p>	Yes
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<p>Health Impact Assessment of Government Policy</p> <p>The Health Impact Assessment is a means of developing better, evidenced-based policy by careful consideration of the impact on the health of the population. [Health Impact Assessment Guidance]</p>	N/A
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Environmental Impact Tests

<p>Environmental Impacts</p> <p>The purpose of the environmental impact guidance is to provide guidance and supporting material to enable departments to understand and quantify, where possible in monetary terms, the wider environmental consequences of their proposals. [Environmental Impact Assessment Guidance]</p>	N/A
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<p>Sustainable Development Impacts</p> <p>Guidance for policy officials to enable government departments to identify key sustainable development impacts of their policy options. <i>This test includes the Environmental Impact test cited above.</i> [Sustainable Development Impact Test]</p>	N/A
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<p>Rural Proofing</p> <p>Guidance for policy officials to ensure that the needs of rural people, communities and businesses are properly considered. [Rural Proofing Guidance]</p>	N/A
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