



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR THAMES VALLEY

INFORMATION REPORT TO THE THAMES VALLEY POLICE AND CRIME PANEL 3rd February 2017

POLICING AND CRIME BILL 2016 IMPLICATIONS

Executive Summary

In the last Parliament, the previous Government brought about major changes to policing to introduce:

- greater accountability and transparency (through directly elected Police and Crime Commissioners (PCCs), an enhanced Independent Police Complaints Commission (IPCC) and strengthened inspectorate);
- increased capabilities (through the creation of the National Crime Agency (NCA)) and professionalism (through the establishment of the College of Policing);
- a focus on efficiency and cutting crime.

The current Government was elected with a manifesto commitment to “finish the job of police reform”. The purpose of the Policing and Crime Bill (“the Bill”) is to further improve the efficiency and effectiveness of police forces, including through closer collaboration with other emergency services; enhance the democratic accountability of police forces and fire and rescue services; build public confidence in policing; strengthen the protections for persons under investigation by, or who come into contact with, the police; ensure that the police and other law enforcement agencies have the powers they need to prevent, detect and investigate crime; and further safeguard children and young people from sexual exploitation.

The Bill is in nine parts:

Part 1 places a duty on police, fire and rescue and ambulance services to collaborate, and enables PCCs to take on responsibility for fire and rescue services. This part also seeks to strengthen the current inspection powers under the Fire and Rescue Services Act 2004 in order to ensure an independent inspection regime for fire and rescue services in England.

Part 2 reforms the police complaints and disciplinary systems, including the governance of the Independent Police Complaints Commission (“IPCC”), provides for a new system of “super-complaints” and confers new protections on police whistle-blowers. This part also aims to further strengthen the independence of Her Majesty’s Inspectorate of Constabulary (HMIC) and to ensure that it is able to deliver end-to-end inspections of the police, including by inspecting contractors and third parties who carry out policing functions.

Part 3 enables chief officers of police to confer a wider range of policing powers on police civilian staff and volunteers (excluding those reserved for warranted police

officers) and confers on the Home Secretary a power to specify police ranks in regulations. This part also updates the core purpose of the Police Federation for England and Wales and makes it subject to the Freedom of Information Act 2000 ("the FOI Act").

Part 4 contains a number of reforms to police powers, including in relation to:

- pre-charge bail to introduce a presumption in favour of release without bail and statutory time limits and judicial oversight of extensions of bail beyond three months, and a new offence of breaching pre-charge bail conditions that relate to travel restrictions in terrorism cases;
- powers to enable the retention of DNA profiles and fingerprints of those convicted outside of England and Wales;
- the powers under sections 135 and 136 of the Mental Health Act 1983 ("the 1983 Act") in respect of persons experiencing a mental health crisis, including banning the use of police cells for the detention of under-18s and reducing the maximum period of detention;
- the extension of police powers to investigate offences committed on vessels operating at sea;
- amendments to the Police and Criminal Evidence Act 1984 ("PACE") to ensure that 17 year olds who are detained in police custody are treated as children for all purposes, and to enable greater use of video-link technology; and
- cross-border powers of arrest to enable a person who commits an offence in one UK jurisdiction to be arrested without warrant by an officer in another jurisdiction.

Part 5 makes further provision in respect of the term of office of Deputy PCCs to enable them to be eligible for appointment as an acting PCC in the event of the office of PCC falling vacant mid-term. This part also provides for changes to the names of police areas to be made by regulations.

Part 6 seeks to better protect the public by amending the Firearms Acts so as to close loopholes that can be exploited by criminals and terrorists and by ensuring that, through statutory guidance, there is a consistent approach by chief officers of police to the consideration of applications for firearms licences and shotgun certificates.

Part 7 amends the Licensing Act 2003 ("the 2003 Act") to improve the effectiveness of the alcohol licensing regime in preventing crime and disorder.

Part 8 seeks to strengthen the enforcement regime for financial sanctions by increasing the maximum custodial sentence on conviction for breaching sanctions, expanding the range of enforcement options, including a new system of monetary penalties, and by providing for the immediate implementation of UN-mandated sanctions.

Part 9 contains miscellaneous and general provisions, including:

- new requirements on arrestees and defendants to confirm nationality;
- an amendment to the Sexual Offences Act 2003 ("SOA") to provide that the offences in relation to child sexual exploitation cover the streaming or transmission of indecent images of children;
- introducing lifelong anonymity for victims of forced marriage,
- makes provision for the Secretary of State to publish a training strategy to the police regarding the treatment of victims, and
- a power to issue statutory guidance to local taxi and private hire vehicle licensing authorities in relation to the safeguarding of children and vulnerable individuals.

The Bill is due to be enacted shortly but different provisions of the Bill will come into force at different times from April 2017 onwards.

Implications of the Policing and Crime Bill

Part 1: Emergency Services Collaboration

Part 1 places a duty on police, fire and rescue and ambulance services to collaborate, and enables PCCs to take on responsibility for fire and rescue services. It supports the implementation of the Government's manifesto commitment to "enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners". This Part also seeks to strengthen the current inspection powers under the Fire and Rescue Services Act 2004 in order to ensure an independent inspection regime for fire and rescue services in England.

The provisions:

- a) Introduce a duty to collaborate on all three emergency services, to improve efficiency or effectiveness.
- b) Enable PCCs to take on the functions and duties of Fire and Rescue Authorities (FRAs), where a local case is made ("the governance model").
- c) Further enable PCCs to create a single employer for police and fire staff where they take on the responsibilities of their FRA, where a local case is made ("the single employer model").
- d) In areas where a Police and Crime Commissioner has not become responsible for fire and rescue, enabling them to have representation on their local fire and rescue authority with voting rights, where the fire and rescue authority agrees.

The Bill does not mandate the transfer of fire and rescue services to PCCs. Instead, it introduces an enabling power which would allow a PCC to assume responsibility for their local fire and rescue service(s) where it would be in the interests of economy, efficiency and effectiveness or public safety where a local case is made.

The distinction between operational policing and firefighting will be maintained – legislation will remain in place (s37 of the Fire and Rescue Services Act 2004) that prevents a full time police officer from being a firefighter, and there is no intention to give firefighters the power of arrest or any other core policing powers.

The 'Governance' Model

The intended features of this model are as follows:

- Provides more direct accountability to the public
- Accelerates local collaboration
- The police force and fire and rescue service would remain two distinct organisations
- The PCC in his capacity as the Fire and Rescue Authority (FRA) would be the employer of all fire and rescue staff (but the Chief Fire Officer would continue to have operational responsibility)
- The Chief Constable will employ police staff and have direction and control over police officers

Where a PCC is interested in taking on governance of the fire and rescue service, they would work with the FRA(s), which will be under a duty to cooperate, to prepare and publish a business case.

The PCC will be required to consult the public locally and seek views as to whether the

transfer should take place in the interests of economy, efficiency and effectiveness or public safety.

Subject to the outcome of the public consultation, and where the PCC and all the relevant constituent local authorities for the area are in agreement that the fire service should transfer to the PCC, the PCC would request that the Government introduces secondary legislation to give effect to the transfer. If the Home Secretary agrees that the governance change is in the interests of economy, efficiency and effectiveness or public safety, she will be able to make an order to give effect to the transfer.

If agreement between all parties is not forthcoming, the PCC would still be able submit the business case to the Home Office. The Home Secretary would then decide whether the governance change is in the interests of economy, efficiency and effectiveness or public safety. To inform her view, the Home Secretary will be required to seek an independent assessment and would take into account the results from the local consultation.

Where the Police and Crime Commissioner takes on governance of the fire and rescue authority, they are to be renamed 'Police, Fire and Crime Commissioner for [name of police area]'. Similarly the Police and Crime Panel will be renamed.

The Single Employer Model

The single employer model enables a PCC to take on responsibility for fire and rescue services and put in place a single employer for fire and policing, following the same process as for the governance model.

The intended features of this model are as follows:

- Remove the barriers that can prevent the full potential of fire and police collaboration (including the need to draw up contracts and collaboration agreements to share back office services)
- Provide greater budget flexibility
- Ability to streamline upper tiers of management.

Under the single employer model, the PCC will appoint a chief officer who – as chief constable and the single operational head of the organisation – will employ both police and fire personnel. The chief officer would be appointed by and be accountable to the PCC for both fire and policing. The chief officer should appoint a senior fire officer to lead fire operations and a deputy chief constable to lead police operations, under their command.

Thames Valley Issues and Implications

In considering whether to prepare and submit a business case to take on the functions and duties of fire and rescue authorities, the key issue in the Thames Valley area that the PCC will face is the complexity of current service delivery and governance arrangements, and the implications that will have for planning and managing any proposed transfer of governance, e.g.:

- 3 fire and rescue services across the Thames Valley area (Berkshire, Buckinghamshire and Oxfordshire)
- 2 different governance models (FRAs in Buckinghamshire and Berkshire; in Oxfordshire the County Council acts as the FRA)
- 9 “relevant local authorities” across the Thames Valley (7 unitaries and 2 county councils) - as well as the general public - to consult and seek support from

regarding any proposed transfer of governance responsibility.

- Current collaboration arrangements and memorandums of understanding between fire and rescue services, South Central Ambulance Service, Thames Valley Police and local authorities.
- Current integration of the role of Oxfordshire Fire and Rescue Service senior fire officers within the Oxfordshire County Council senior management structure and functional responsibilities for other Council services.
- Equalisation of fire and rescue service council tax precepts and funding.
- Devolution debate (local authorities)

If the PCC seeks to make a case for taking on the governance of the three fire and rescue services, the business case will require a review of current service arrangements and options for future operating models in order to identify and demonstrate potential financial savings and operational benefits (“economy, efficiency and effectiveness” or “public safety” per the business case assessment criteria), how they will be delivered and how any significant business change and associated transitional risks will be managed and mitigated.

The development of the business case will therefore require strategic decisions to be taken as to what operating model the business case assumes, for example:

- a) The merger and rationalisation of the three current fire and rescue services into one new Thames Valley Fire and Rescue Service (to be co-terminus with Thames Valley Police and thereby facilitate more efficient and effective collaboration).
- b) Continuation of the three separate fire and rescue services but with greater PCC emphasis on planned collaboration/rationalisation of fire and rescue service operational functions (whether front line or back office) and the police.
- c) Continuation of the current arrangements for informal, ad hoc, estates collaboration between the three separate fire and rescue services (and the police), albeit facilitated by a single (PCC) governance model.
- d) Subject to the above decisions, whether the proposal assumes the ‘governance’ model or the ‘single employer’ model.
- e) Whether any change of governance and / or operating model will impact (adversely or favourably) on current collaboration activity or future opportunities for collaboration with the ambulance service or other bodies.

The Home Office is still working with relevant professional bodies to prepare a business case ‘template’ for use by PCCs.

Nevertheless, the business case for any proposed transfer of service responsibility to the PCC would need to address the advantages and disadvantages of the above options and be clear as to how well they meet and deliver the Government’s business case assessment criteria; how the preferred option will be achieved in practical terms (e.g. staffing, financial, legal and operational implications); indicative project timelines, and demonstrate a robust evidence base (including local authority and public consultation responses) to support the projected financial and operational benefits to the public of the preferred option.

The Deputy PCC will lead this project on behalf of the PCC. It is likely that the Office of the PCC (OPCC) will need to procure the services of an external consultant(s) to help assemble and analyse relevant data and evidence, assess and develop effective and

deliverable options, and prepare a business case.

Part 2: Police discipline, complaints and inspection

Part 2 of the Bill reforms the police complaints and disciplinary systems, including measures to extend the disciplinary regime to former officers for up to 12 months after they have left the police; making changes to the governance of the Independent Police Complaints Commission (IPCC), provides for a new system of "super-complaints" and confers new protections on police whistle-blowers. This Part also further strengthens the independence of Her Majesty's Inspectorate of Constabulary (HMIC) and ensures that it is able to deliver end-to-end inspections of the police, including by inspecting contractors and third parties who carry out policing functions.

Chapters 1 to 5 of Part 2 of the Bill relate to **police complaints, police super-complaints, whistle-blowing and discipline**, and give effect to the Government's commitment to "overhaul the police complaints system".

The key provisions are summarised below:

- a) Strengthening PCCs' oversight role of the local complaints system, giving them an explicit responsibility for ensuring the effective and efficient delivery of the local police complaints system, and making PCCs the appellate body for those appeals currently heard by chief constables.
- b) Enabling PCCs to take on other functions within the complaints system, giving them the option of taking on responsibility for the front-end of the complaints system and responsibility for all duties regarding contact with the complainant.
- c) Clarifying the definition of a complaint – currently defined in section 12 of the Police Reform Act 2002 as 'any complaint about the conduct of a person serving with the police' – to one that defines a police complaint broadly as 'an expression of dissatisfaction with a force'.
- d) Retaining and clarifying the focus on immediate resolution of customer-service issues where appropriate, before such issues become complaints.
- e) Removing the non-recording categories (such as vexatious and out of time complaints) so that any issue that is not possible to resolve immediately or that the complainant wants recording, is recorded.
- f) Removing the opaque categorisation for handling complaints – local resolution, local investigation, disapplication, discontinuance – and replacing this with statutory duties based on taking "reasonable and proportionate" action to resolve a complaint.
- g) Streamlining the complex appeal process so that there is one appeal point at the outcome of the complaint.
- h) Extending the disciplinary regime to former officers where an allegation arose before they resigned or retired, or arose within a period of time following their resignation or retirement;
- i) Creating a statutory framework for the College of Policing to receive, hold, make available and, in some circumstances, publish details from a "police barred list" of former members of police forces, former special constables and former members of the civilian staff of police forces who have been dismissed or who would have been dismissed had they not resigned or retired.
- j) Allowing for regulations to be made to require the IPCC to investigate all chief officer

misconduct allegations (including gross misconduct).

k) Protecting the identity of a whistle-blower by allowing the IPCC to control who in a police force is notified of an independent investigation and obtain information and evidence confidentially from those individuals (to enable covert investigations).

l) Introduce a system of super-complaints to capture national or cross-force issues that are not otherwise captured by the existing complaints system, IPCC investigations or HMIC inspections.

m) Reformed IPCC will be known as the Office for Police Conduct (OPC).

Chapter 6 of Part 2 ('**Inspection**') strengthens the role and independence of HMIC, by:

a) Extending HMIC's remit to enable it to inspect private contractors and PCCs' staff who are engaged to support the police force and are delivering policing functions.

b) Conferring on HMIC powers to acquire information from third parties and access to relevant people and premises.

c) Enabling HM Chief Inspector of Constabulary (HMCIC) to initiate inspections that have not been included in the published inspection programme.

d) Transferring the power to appoint Assistant Inspectors of Constabulary from the Home Secretary to HMCIC.

e) Introducing a requirement on PCCs to respond to HMIC reports within 56 days, address each recommendation in a report, and copy the Inspectorate into their response.

Thames Valley Issues and Implications

As a minimum legislative requirement, the PCC will become the appellate body to hear those appeals currently heard by chief constables concerning the outcomes of complaints made against police officers and police staff.

At this time the PCC is not minded to take advantage of the enabling legislation which would allow him to take on responsibility for the front-end of the police complaints system and responsibility for all duties regarding contact with the complainant.

It is anticipated that the responsibility for undertaking the role of appellate body will not transfer to PCCs until around June 2018. The police force can transfer staff to the PCC to assist with their additional complaint responsibilities.

At present the PCC has two main concerns about taking on the role of appellate body:

(1) It is considered inevitable by the PCC that this transfer of responsibility will result in a greater volume of escalated complaints (whether spurious or not) being made against the PCC (rather than the Chief Constable/Head of Professional Standards Department (PSD) as at present) from complainants who are not satisfied with the outcome of their appeal.

If this scenario manifests itself in reality, this presumed increase in volume of complaints will have a direct impact on the workload of the Police and Crime Panel which has the statutory responsibility to handle and resolve non-serious complaints made against the PCC. However, the Bill is silent on this aspect of the proposed changes to the police complaints system and does not address the potential issue of the limited capacity of police and crime panels to deal with any significant increase in workload.

(2) The transfer of a discrete specialist complaints function (hearing appeals) and associated staff resources away from the TVP PSD to the OPCC (in order to demonstrate to the public the independence of the PCC from TVP in undertaking this

function) raises a concern over the future resilience of that function (e.g. in the event of staff turnover or absence), as the function and relevant staff may, in the future, be operating in relative isolation from the general expertise, experience and cover otherwise currently available to it/them within the PSD.

Finally, there is nothing specific in the Bill to help the police service / PCCs / Police and Crime Panels manage 'vexatious complainants'.

Part 3: Police workforce and representative institutions

Part 3 of the Bill enables chief officers of police to confer a wider range of policing powers on police civilian staff and volunteers (excluding those reserved for warranted police officers) and confers on the Home Secretary a power to specify police ranks in regulations. This part also updates the core purpose of the Police Federation for England and Wales and makes it subject to the Freedom of Information Act 2000 ("the FOI Act").

Chapter 1 of Part 3 ('**Police workforce**') introduces a number of reforms relating to the police workforce.

These provisions:

- a) Enable chief officers to designate a wider range of power on police staff and volunteers.
- b) Create a list of 'core' police powers, such as the power of arrest, that would remain exclusive to police officers.
- c) Abolish the office of traffic warden under the Road Traffic Acts.
- d) Allow the Home Secretary, in conjunction with the College of Policing, to amend the police rank structure by regulations.

Chapter 2 of Part 3 ('**Representative institutions**') implements reforms of the Police Federation for England and Wales recommended by the Normington Review.

The provisions:

- a) Enshrine in statute the Police Federation's new core purpose which reflects the organisation's commitment to act in the public interest alongside its accountability to its members.
- b) Make the Police Federation subject to the FOI Act 2000.

In addition, this Chapter removes references in statute to the now-defunct Association of Chief Police Officers (ACPO) and replaces them with references to the National Police Chiefs' Council (NPCC) (for example, in respect of provisions requiring the Home Secretary to consult specified persons before making regulations about certain policing matters).

Thames Valley Issues and Implications

None specific

Part 4: Police powers

Part 4 of the Bill contains reforms to police powers, including in relation to: pre-charge bail to introduce a presumption in favour of release without bail and statutory time limits and judicial oversight of extensions of bail beyond 28 days; creates a new offence of breach of pre-charge bail conditions which relate to travel for individuals arrested on suspicion of terrorism offences; the powers under sections 135 and 136 of the Mental Health Act 1983 in respect of persons experiencing a mental health crisis, including banning the use of police cells for the detention of under-18s and reducing the maximum period of detention; the extension of police powers to investigate offences committed on vessels operating at sea; amendments to the Police and Criminal Evidence Act 1984 to ensure that 17 year olds who are detained in police custody are treated as children for all purposes, and to enable greater use of video-link technology.

Chapter 1 of Part 4 (**'Pre-charge bail'**) reforms pre-charge bail including by:

- a) Providing for a presumption in favour of releasing a suspect without bail, with bail only being imposed when it is both necessary and proportionate.
- b) Setting a clear expectation that pre-charge bail should not last longer than 28 days, extendable to three months on the authority of a senior police officer in complex cases. In exceptional circumstances, the police will have to apply to a magistrates' court for an extension beyond three months.
- c) Providing that, in exceptionally complex cases, such as those dealt with by the Serious Fraud Office or the Central Casework Units of the Crown Prosecution Service, it will be possible to extend bail administratively to a total of six months before seeking the approval of the courts.

Chapter 2 of Part 4 (**'Powers under the Police and Criminal Evidence Act 1984'** (PACE)) makes a number of amendments to PACE, including to:

- a) Ensure that 17-year-olds are treated as children for all purpose whilst in police custody.
- b) Allow the police to make greater use of video-link technology, including when interviewing suspects and authorising the continued detention of a suspect for up to 36 hours.
- c) Enable more timely revisions to PACE codes of practice to better equip the police in their daily operational duties.

Chapter 3 of Part 4 (**'Powers under the Mental Health Act 1983'** ("the 1983 Act")) amends the police powers under sections 135 and 136 of the 1983 Act in respect of persons who are experiencing mental health problems, but have committed no crime.

It will:

- a) Further reduce the use of police stations as a place of safety by providing that they can never be used in the case of under 18s, and making provision for their use to be restricted to exceptional circumstances in the case of adults.
- b) Provide a wider definition of "places of safety" to help increase local capacity and flexibility to respond to local needs.
- c) Enable the police to act promptly under the 1983 Act to protect individuals or the public from harm on private property (such as railway lines, work places and the rooftops of buildings), without the need to seek a warrant (a warrant will still be required for

private dwellings).

d) Reduce the maximum time period for which a person can be detained under section 135 or 136 from 72 hours to 24 hours (with the possibility of an extension to 36 hours in certain specified circumstances).

e) Require the police to consult a health professional (where practicable) before detaining a person under section 136.

f) Ensure that assessments can be conducted in private dwellings where these are designated as places of safety.

Chapter 4 of Part 4 (**'Maritime enforcement'**) builds on the maritime enforcement powers available to the police and others in respect of drug trafficking and modern slavery offences committed at sea, by providing the police, National Crime Agency and Border Force with the necessary powers to investigate all crimes that take place on vessels where the courts in England and Wales have jurisdiction. This will include powers to stop, board, divert, detain and search vessels, and powers of arrest and seizure.

Thames Valley Issues and Implications

The expectation that pre-charge bail should not last longer than a specified finite period of 28 days (subject to possibility of extension) and a presumption to release without bail will represent a big cultural shift for the police service. The police will need to manage the expectations of their staff, victims and offenders.

Computer systems will need to be updated to manage the change – due to come into force in April 2017 - but system upgrades will not come in until the end of 2017 which means that there will have to be a workaround during the interim period (NB This will affect all police forces, not just TVP).

Regarding amendments to the Police and Criminal Evidence Act 1984, new PACE s.45ZA will allow the use of 'Live-link' to extend pre-charge detention and to interview suspects provided the superintendent considers that to be "appropriate" (and that a number of other criteria are also satisfied).

Technological issue – TVP currently does not have 'Live-link' in its custody suites.

Part 5: Police and Crime Commissioners and police areas

Part 5 of the Bill extends the term of office of Deputy PCCs so that, in the event of a PCC vacancy occurring mid-term (through death or resignation), the Deputy PCC's term automatically ends upon a new PCC taking office rather than, as now, upon the former PCC ceasing to hold office.

This will enable a Deputy PCC to be appointed, by the Police and Crime Panel, as the Acting PCC pending the outcome of a by-election.

This Part also enables the Home Secretary to change the name of a police force area outside London by regulations.

Thames Valley Issues and Implications

None specific

Part 6: Firearms

Part 6 of the Bill seeks to better protect the public by amending the Firearms Acts so as to close loopholes that can be exploited by criminals and terrorists and by ensuring that, through statutory guidance, there is a consistent approach by chief officers of police to the consideration of applications for firearms licences and shotgun certificates. This Part also provides for the full cost recovery, through the levying of fees, of the Home Office's licensing functions in respect of companies trading in prohibited weapons, museums with firearms collections and shooting clubs.

The amendments:

- a) Define what constitutes a "lethal barrelled weapon", an "antique firearm" and the "component parts" of a firearm.
- b) Create a new offence of possession of tools and equipment with intent to use them to unlawfully convert an imitation firearm into a live firing weapon.
- c) Make provision for the charging of fees for an authorisation to possess prohibited weapons.
- d) Confer power on the Home Secretary to issue statutory guidance to chief officers of police on the exercise of their licensing functions under the Firearms Acts.

Thames Valley Issues and Implications

None specific

Part 7: Alcohol - licensing

Part 7 of the Bill makes various amendments to the Licensing Act 2003 to improve the effectiveness of the alcohol licensing regime in preventing crime and disorder which will:

- a) Clarify the definition of "alcohol" to ensure that it includes powdered and vaporised alcohol.
- b) Clarify the summary review process following serious crime or serious disorder at licensed premises.
- c) Give licensing authorities the power to revoke or suspend personal licences if the licensee is convicted of a relevant offence.
- d) Update the list of offences, a conviction for which may be grounds to refuse or revoke a personal licence, including additional sexual, violent and terrorism-related offences.
- e) Place conditions on availability and use of gaming machines proposed (including use, maximum charge, number of machines, etc.) and a requirement that when a licence is being considered, levels of crime and disorder and levels of economic deprivation, etc. are given weight.

Thames Valley Issues and Implications

None specific

Part 8: Financial sanctions

Part 8 of the Bill seeks to strengthen the enforcement regime for financial sanctions by increasing the maximum custodial sentence on conviction for breaching sanctions, expanding the range of enforcement options, including a new system of monetary penalties, and by providing for the immediate implementation of European Union (EU), United Nations (UN) and other financial mandated sanctions.

The provisions:

- a) Increase the maximum penalty for breaches of financial sanctions from 2 to 7 years' imprisonment.
- b) Introduce a framework for administrative monetary penalties for breaches of financial sanctions where action short of prosecution is appropriate.
- c) Include breaches of financial sanctions in the list of offences to which Deferred Prosecution Agreements and Serious Crime Prevention Orders apply.
- d) Ensures that the UK meets its UN obligations by implementing UN-mandated sanctions without delay.

Thames Valley Issues and Implications

None specific

Part 9: Miscellaneous and general

Part 9 of the Bill contains miscellaneous and general provisions, including new requirements on arrestees and defendants to confirm nationality, an amendment to the Sexual Offences Act 2003 to provide that the offences in relation to child sexual exploitation cover the streaming or transmission of indecent images of children, and makes provision for lifelong anonymity for victims of forced marriage. It also contains provision to require arrested persons to state their nationality, for suspected foreign nationals to produce their nationality document(s) following arrest and for defendants in criminal proceedings to provide their name, date of birth and nationality to the court. This Part makes provision for the Secretary of State to publish a training strategy to the police regarding the treatment of victims, and enables the Secretary of State to issue statutory guidance to local taxi and private hire licensing authorities with regard to the protection of children and vulnerable adults.

National Crime Agency (NCA)

Part 9 makes two changes to the legislation governing the NCA to reflect experience of the first two years of operation.

First, it enables the NCA to enter into a collaboration agreement with one or more police forces, rather than, as now, two or more such forces.

Second, it enables the Director General of the NCA and NCA officers to be designated with the powers of a general customs official as well as, as now, the powers of a constable, immigration officer and an officer of Revenue and Customs. This will ensure that NCA officers can be designated with any new powers relating to customs matters necessary to fulfil their crime reduction function, including combating drug trafficking and the smuggling of firearms or other prohibited goods.

Anonymity of victims of forced marriage

Part 9 introduces a new provision of lifelong anonymity for victims of forced marriage.

Child sexual exploitation

Part 9 amends the Sexual Offences Act 2003 to ensure that the live streaming, or transmission of images of child sexual abuse by any other means (as well as recorded images), is caught by the offences of causing or inciting child sexual exploitation, controlling a child in relation to his or her sexual exploitation, and arranging or facilitating the sexual exploitation of a child.

It introduces a new provision that the local policing body will be under a duty to disclose information about children who are victims of sexual exploitation or other forms of abuse to child mental health service commissioners.

Powers to require arrestees/defendants to state their nationality

Part 9 facilitates the early identification of foreign nationals by conferring on the police and immigration officers the power to require a person to provide their nationality following arrest and to require suspected foreign nationals to produce their nationality document(s). The courts will also have a statutory power to require defendants in criminal proceedings to provide to the court their name, date of birth and nationality. A failure to comply with these requirements, without reasonable excuse, will be an offence. Identifying foreign national offenders early, including by obtaining relevant documents such as passports, is crucial to speeding up removal at a later stage.

Victims' entitlement - new framework

Part 9 introduces new police training requirements regarding the treatment of victims. A new training strategy is to be published by the Secretary of State to apply to the police.

Thames Valley Issues and Implications

None specific

Anthony Stansfeld

Police and Crime Commissioner for Thames Valley