

Committee:	Date:
Police Committee	September 23 rd 2013
Subject:	Public
Crime and Courts Act 2013	
Report of:	For Information
City Remembrancer	

Summary

This report provides an overview of the Crime and Courts Act 2013 and identifies those issues likely to be of most relevance to the City of London Corporation.

The Act is in three Parts. Part 1 establishes the National Crime Agency. Part 2 contains various provisions relating to courts and justice. Part 3 contains provisions in relation to border control, the immigration appeal system and public order offences, and introduces a new offence of drug driving.

Recommendations

- Members are invited to note the contents of this report.

Main Report

Background

1. In July 2010, the Home Office set out the Government's plans for policing reform in *Policing in the 21st Century*, including proposals for a new National Crime Agency (NCA) to replace the Serious Organised Crime Agency and strengthen border security.
2. The following June, in *The National Crime Agency: A plan for the creation of a national crime-fighting capability*, the Government set out the proposed structure of the new agency with four main commands:
 - Organised Crime Command;
 - Border Policing Command;
 - Economic Crime Command;
 - Child Exploitation and Online Protection Command (CEOP).

3. Alongside the four commands would be an intelligence hub, tasking and co-ordination arrangements and a National Cyber Crime Unit. The NCA would also absorb some of the functions previously provided by the National Police Improvement Agency, which was established in 2007 to support police by providing expertise in such areas as information technology, information sharing, and recruitment.
4. As well as confirming the abolition of two predecessor organisations, the Serious Organised Crime Agency (SOCA) and the National Policing Improvement Agency, the Bill covered a number of wider areas including the creation of a Single County Court, judicial appointments, bailiff reform, deferred prosecution agreements and border control.
5. The other major element of the Bill was the creation of a single county court and a single family court. Following a commission from the Judicial Executive Board, retired judge Sir Henry Brooke conducted an inquiry into the possibility of civil court unification in 2008. In his report, Sir Henry recommended that the county courts should become a single national court.
6. Much of its passage through Parliament was largely uncontroversial, although the Government was criticised for the paucity of information available on the NCA. The Bill did however suffer some delays in its latter stages following the Government's decision to incorporate within it provisions allowing for exemplary damages to apply to publishers of news-related material. These late additions in the House of Commons were part of the Government response to the findings of the Leveson inquiry.

Overview of the Act

Part 1 – The National Crime Agency

7. Throughout the passage of the Bill, the Home Office sought to emphasise that the NCA will be “an operational crime fighting agency” accountable to the Home Secretary. It will set the national operational agenda for fighting serious and complex crime and organised criminality. It will be headed by a senior Chief Constable¹, and is intended to forge links with local police forces and other law enforcement agencies. It will be overseen by a non-statutory management board.
8. It will house an intelligence capability, drawing on other existing national intelligence capabilities, including on economic crime. It will also have

¹ Keith Bristow, formerly Chief Constable of Warwickshire, was appointed Director General in October 2011.

the authority to undertake tasking and coordination of the police and other law enforcement agencies, through setting the overall operational agenda for tackling serious and organised crime. The Act provides for ‘voluntary’ arrangements to perform a task, including the power for the Director General of the NCA to make a request of a UK police force or law enforcement agency. Similar provisions provide for police forces and law enforcement agencies to make requests of the NCA.

9. Of the four commands through which the NCA will operate, the one that holds most relevance for the City Police is the Economic Crime Command. In 2011 the Government established the Economic Crime Coordination Board to help inform the work of the Economic Crime Command by ‘driving better coordination of cases and the alignment of resources across agencies’. Working closely with the NFIB, the Economic Crime Command will be responsible for coordinating the approach to economic crime across a range of agencies. The Economic Crime Command will also lead for the NCA on the civil recovery of assets.
10. Members may recall from earlier verbal updates from the Commissioner that the Force has been significantly involved in shaping the shadow Economic Crime Command and has been proactive in its involvement by providing seconded resources to a number of operations and projects. In addition, the Assistant Commissioner has been chairing two of the sub groups which have contributed to the development of the command, namely the Economic Crime Intelligence Group (ECIG) and the Economic Crime Operations Group (ECOG). These have provided a mechanism to support multi-agency activity across prevention, intelligence and enforcement work streams.
11. A detailed overview of the development of the NCA and Economic Crime Command was provided in a report to your April Committee (Pol 15/13 refers). This gave Members an overview of the creation of the NCA², the winding up of the National Policing Improvement Agency and the creation of The College of Policing and Police ICT Company.

Part 2 – Courts and Justice

12. Part 2 of the Act creates a single county court, and a single family court, with the intention of creating a justice system which, in the words of the Home Secretary, is ‘simpler, more efficient, and more effective’. There are approximately 170 county courts in England and Wales. Each county

² <http://www.homeoffice.gov.uk/publications/crime/nca-creation-plan?view=Binary>

court has a separate legal identity and serves a defined geographical area. As originally drafted, legislation which designates the county court for the City as “The Mayor’s and City of London Court” would have been repealed and the court would have been subsumed into the single county court. However, following negotiation with the Ministry of Justice, it has been agreed that this name will be retained. The nature of the work to be undertaken by the Court in the new structure is currently being considered.

13. Another noteworthy provision in Part 2 is the introduction of deferred prosecution agreements (DPAs). These are intended to be a new tool for prosecutors to use in tackling corporate, financial and economic crime.

Part 3 – Miscellaneous provisions

14. Of note under Part 3 is the introduction of a new offence of driving under the influence of drugs.

Commencement

15. Some, but not all, of the provisions of the Act have been brought into force. The NCA has been operating as a Shadow Agency under Director General Keith Bristow since 2011 and is due to be launched in October and become fully operational from December. The Economic Crime, Organised Crime, CEOP and Border Commands have been operating in shadow form ahead of the formal launch. However after an initial Director appointment proved unsuccessful, there is still no permanent appointment for the Director of the Economic Crime Command.

Consultees

16. The Town Clerk and the Commissioner of the City Police have been consulted in the preparation of this report.

Background Papers:

- *Crime and Courts Act 2013*

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