

Committee(s):	Date(s):
Police Committee	16 September 2014
Subject: Serious Crime Bill	Public
Report of: City Remembrancer	For Information
<p style="text-align: center;"><u>Summary</u></p> <p>This report provides an overview of the Serious Crime Bill and identifies those issues likely to be of most relevance to the City of London.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • Members are invited to note the contents of this report. 	

Main Report

Background

1. In October 2013, the Government published its Serious and Organised Crime Strategy. The aim of the strategy is to reduce substantially the level of serious and organised crime affecting the UK and its interests. The strategy has four components:
 - prosecuting and disrupting people engaging in serious and organised crime (Pursue);
 - preventing people from engaging in such activity (Prevent);
 - increasing protection against serious and organised crime (Protect); and
 - reducing the impact of such criminality where it takes place (Prepare).
2. Under the Pursue strand of the strategy, the document set out a number of proposals including strengthening the operation of the asset recovery process, and updating existing computer misuse offences to cover importing tools for cyber crime (such as data programmes designed for unlawfully accessing a computer system).
3. The principal objective of the Bill is to ensure that law enforcement agencies have effective legal powers to deal with the threat from serious and organised crime by addressing some of the issues raised in the Pursue strand of the strategy.

Overview of the Bill

4. The Bill updates existing law dealing with proceeds of crime, cyber crime, serious crime prevention orders, gang injunctions, child cruelty, female genital mutilation and the commission of certain terrorism offences abroad.
5. Part 1 amends the Proceeds of Crime Act 2002 (POCA) to increase the effectiveness of the asset recovery process. Part 2 makes amendments to the

Computer Misuse Act 1990 in particular to ensure that sentences for attacks on computer systems fully reflect the damage they cause. The amendments create a new offence of unauthorised acts in relation to a computer that result, either directly or indirectly, in serious damage to the economy, the environment, national security or human welfare, or create a significant risk of such damage.

6. Part 3 of the Bill will enhance the ability of law enforcement agencies to prosecute those responsible for serious and organised crime. In particular, it will create a new offence of participation in an organised crime group. This offence will rely on proving an active relationship with the organised criminality, so the individual will have to have done something to take part in the crime (deliver packages, rent warehouse space, written a contract). This Part also makes a number of changes to the law governing Serious Crime Prevention Orders (SCPOs) and gang injunctions to strengthen their effectiveness in preventing people engaging in serious and organised crime. The measures in the Bill will add offences relating to firearms possession, cybercrime, and the cultivation of cannabis plants to the list of 'trigger' offences for imposing an SCPO.
7. The Bill completed its Committee Stage in the House of Lords shortly before the summer recess and is due to return to the floor of the House for its Report Stage on 14 October.
8. Provisions in the Bill on cybercrime prompted considerable debate in the Lords. The Opposition tabled an amendment to put a duty on police authorities and Police and Crime Commissioners to report annually on how they are tackling cybercrime. Opposition Spokesman Baroness Smith of Basildon used the amendment to promote a discussion on "whether the Government are doing enough or whether the Bill could go further and provide better and more effective protection from cybercrime". Smith complained, "there is no serious [cybercrime] strategy and fragmented forces lack the skills and organisational structure to be effective". Responding for the Government, Lord Taylor refuted claims that the Government were not taking seriously the threat from cybercrime. He said it has been rated as a "Tier 1" threat to national security, on a par with international terrorism.

Impact on the City Police

9. The City Police are broadly content with the Bill. The provisions dealing with asset recovery are welcome and should result in more effective POCA seizure. Additional resources may, however, be required if this legislation is to be used to best effect and the increased scope fully exploited.
10. There may be a role for the National Fraud Intelligence Bureau under Part 3 in providing the intelligence and evidence to show 'participation' in an organised crime group.

Consultees

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

Background Papers:

- *Serious and Organised Crime Strategy (Cm 8715)*
- *Serious Crime Bill*

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