

# Impact Assessment, The Home Office

<b>Title:</b> Criminal Justice Bill: Pillar 1 <b>IA No:</b> IA HO 0465 <b>RPC Reference No:</b> N/A <b>Other departments or agencies:</b> Ministry of Justice (MoJ)	<b>Date:</b> November 2023
	<b>Stage:</b> FINAL
	<b>Intervention:</b> Domestic
	<b>Measure:</b> Primary Legislation
	<b>Enquiries:</b> crimeandjusticebillteam@homeoffice.gov.uk
<b>RPC Opinion:</b> RPC Opinion Status	<b>Business Impact Target:</b> Not a regulatory provision

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

<b>Net Present Social Value NPSV (£m)</b>	-35.6	<b>Business Net Present Value BNPV (£m)</b>	0.0	<b>Net cost to business per year EANDCB (£m)</b>	NA
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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 knife and drug-related crimes and anti-social behaviour, including nuisance begging and rough sleeping. Government intervention is required to legislate to protect the public from harm and support and strengthen the Criminal Justice System's (CJS) response to such 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, include:

- 1) Strengthening the law to protect the public from violence and intimidation.
- 2) Equipping the police and other law enforcement agencies with the necessary powers to prevent and reduce crime and anti-social behaviour.
- 3) Strengthening 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 table 1 (see page 3) are introduced. **This is the government's preferred option as it meets strategic and policy objectives.**

<b>Main assumptions/sensitivities and economic/analytical risks</b>	<b>Discount rate (%)</b>	3.5
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Main assumptions include those necessary to generate common familiarisation costs. Other important assumptions include those necessary to model CJS outcomes under Option 2, and the behaviour of drug testing over the appraisal period.

Main risks stem from the absence of available data, and are the reason for many of the non-monetised impacts. Other risks include risks of unintended consequences around the knife crime measures.

**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: 14/12/2023

## Summary: Analysis & Evidence

## Policy Option 2

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

### 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:	-22.3	High:	-53.8	Best:	-35.6	Best BNPV	0.0	

COSTS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	2.7	20.4	23.1	2.1	0.0
High	8.7	46.3	55.0	5.1	0.1
Best Estimate	5.2	31.3	36.5	3.4	0.0

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

The total costs are between £23.1 million and £55.0 million, with a central estimate of £36.5 million. Of the set up costs, prison construction costs are between £2.2 million and £4.6 million, with a central estimate of £3.3 million. Of the ongoing costs, HMPPS costs from increased custodial sentences and probation costs are between £4.0 million and £9.0 million, with a central estimate of £6.2 million. Ongoing costs from drug testing are between £5.4 million and £11.2 million, with a central estimate of £7.9 million.

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

Several non-monetised costs have been identified due to uncertainty and a absence of data. Costs arising from multiple measures include the opportunity cost from increase police caseloads, and greater pressure on other public services such as drug treatment services.

BENEFITS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	NA	0.8	0.8	0.1	NA
High	NA	1.2	1.2	0.1	NA
Best Estimate	NA	1.0	1.0	0.1	NA

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

Monetised benefits are between £0.8 million and £1.2 million, with a central estimate of £1.0 million. These benefits are due to reductions in criminal justice costs and improvements in health due to increased engagement with drug treatment.

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

There are a range of intended benefits that have not been monetised due to uncertainty and an absence of data on the quantifiable impacts of the measures. These benefits include; a reduction in anti-social behaviour and a reduction in violence and knife crime.

### BUSINESS ASSESSMENT (Option 2)

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

1. This impact assessment (IA) assesses the following measures contained within Pillar 1 of the Criminal Justice Bill.

**Table 1: Pillar 1 IA HO 0465 - Protecting the public from violence and intimidation**

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

## A. Strategic objective and overview

### A.1 Strategic objective

#### Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs

2. Drug testing in police detention, known as DToA is an existing police power to test for the presence of specified Class A drugs within police custody in England and Wales. The expansion of drug testing in police detention to include specified Class B and Class C drugs is considered in this IA.
3. This expansion of DToA will help the delivery of a number of overarching Home Office strategic objectives, namely:
  - **The Home Office Outcome Delivery Plan (ODP) priority outcome to reduce crime<sup>1</sup>.** Expanding use of DToA will identify more individuals using drugs and divert them to treatment or interventions to reduce drug use and ultimately reduce offending.
  - **HM Government's 10-year Drug Strategy<sup>2</sup>** was published in December 2021 and set out a whole system approach to tackling drugs misuse. The Strategy set out to achieve a generational shift in demand for drugs and invest £15 million over 3 years in delivering DToA through police forces across England and Wales.
  - **HM Government's Anti-Social Behaviour (ASB) Action plan<sup>3</sup>** published on 27 March 2023 outlines the government's approach to addressing ASB, including the expansion of DToA powers.
4. This expansion of DToA was proposed in the Home Office's *Tougher Consequences* White Paper consultation<sup>4</sup>, in addition to a proposed new sanctions regime for drug possession offences. The consultation closed in October 2022 and the government intends to publish its response in due course.

#### The Replacement of the Vagrancy Act 1824

5. The department seeks to replace the VA 1824 with comprehensive modern day legislation by way of a new bespoke package of criminal offences and civil measures that is easier for the police and local councils to navigate and more straightforward to use. This new legislation will create pathways to encourage those who beg and rough sleep to engage with support services which can be more effective interventions than punitive measures (a fine or prison sentence as contained within VA 1824). These new measures will support a clearer and more consistent approach to addressing nuisance begging and rough sleeping (where it causes damage, disruption or distress to the public including business owners) and support local authorities and police in helping communities feel safer and encouraging individuals who rough sleep and or beg into appropriate support and treatment.
6. This is as set out in the ASB Action Plan<sup>5</sup>, related to ODP 1 Reducing Crime in the Home Office Outcome Delivery Plan<sup>6</sup>.
7. The department will do this by introducing legislation to cover:
  - Offences for begging where the person is causing a nuisance, including an ability to move on people committing this offence;

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<sup>1</sup> Home Office Outcome Delivery Plan: [www.gov.uk/government/publications/home-office-outcome-delivery-plan](http://www.gov.uk/government/publications/home-office-outcome-delivery-plan)

<sup>2</sup> 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079147/From_harm_to_hope_PDF.pdf)

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

<sup>4</sup> 'Swift, Certain, Tough: New, and Consequences for Drug Possession' white paper - GOV.UK: <https://www.gov.uk/government/consultations/swift-certain-tough-new-consequences-for-drug-possession-white-paper>

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

<sup>6</sup> Home Office Outcome Delivery Plan: [www.gov.uk/government/publications/home-office-outcome-delivery-plan](http://www.gov.uk/government/publications/home-office-outcome-delivery-plan)

- A new nuisance begging prevention notice and nuisance begging prevention order that can be used to address nuisance begging listed above (which opens up routes for both local authorities and the police to use new civil tools including seeking a court order with positive requirements<sup>7</sup>);
  - Creating a new offence for facilitating organised begging;
  - Creating a new ‘move on’ power for the police and local authorities to use with those who are rough sleeping and causing damage, disruption, harassment or distress or creates a health, safety or security risk. If someone does not obey this ‘move on’, non-compliance will be a criminal offence;
  - Twinned with (d), a new nuisance rough sleeping prevention notice and order. This will create a route to permit land/or the police to seek a court order with positive requirements<sup>8</sup>, including an accommodation order where appropriate; and
  - Replicating the VA 1824 criminal offence of being found on enclosed premises for an unlawful purpose.
8. The new nuisance begging prevention notices and orders will provide a more appropriate and proportionate response than the penalties available under the VA 1824 by allowing the use of civil sanctions where appropriate. It will provide a framework for a staggered enforcement response to encourage those who beg and rough sleep to engage with support services (and ultimately enabling the court to order this). This is based on evidence and existing good practice such as the National Police Chiefs’ Council (NPCC) endorsed Operation Luscombe<sup>9</sup> approach which aims to get people who beg and/or rough sleep to accept offers of support. The ultimate back stop will be a fine or short prison sentence (for example, the individual refuses to abide by the court imposed BPO).
  9. The police have shared that organised begging occurs and that this is often thought to be linked to organised crime gangs but can be difficult to prove. The department’s intent in creating a new offence for facilitating organised begging is to prevent individuals working together to solicit money from the public via begging and allow those who actively contribute towards enabling others to beg (often for financial gain<sup>10</sup>) to be dealt with under the law (modern slavery legislation only covers this situation where there is a coercive element). Some of these situations can be about making money and not coercion –people being bussed into beg at festivals or events where the organiser takes a cut of the profit. This will help shift the risk to those organising and enabling begging rather than just the individuals begging on the street.
  10. The department’s intent in creating new move on powers for those rough sleeping who are causing damage, disruption, or distress is to ensure members of the public including business owners are not unduly impacted by individuals who cause some form of damage, disruption or distress. For rough sleepers, this move on power will be accompanied by guidance about signposting or referring rough sleepers to support services where appropriate for the individual. It is only where the individual refuses to obey an enforcement officer’s direction to “move on” that an offence would be committed (mirroring part of section 61 of the Criminal Justice and Public Order Act 1994 (CJPO 1994) which enables the police to give such a direction to trespassers (two or more people) intending to reside where certain conditions are met). The use of a tent could also be seen as causing disruption and the legislation would also allow the police and local authorities to request people to move on if they are causing damage, residing in a tent where it is causing damage, disruption, or distress and to take belongings (including tents) with them.
  11. There is also a route to enable local authorities and police to apply for a court order for rough sleepers (where they have caused some form of nuisance) where they feel this would help encourage that

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<sup>7</sup> Such as accepting treatment for drug misuse or accommodation offers

<sup>8</sup> Such as accepting treatment for drug misuse or accommodation offers

<sup>9</sup> Operation Luscombe is an initiative that was started to deal with begging and signpost individuals to additional/ support services as a result of a community trigger.

<sup>10</sup> As referenced in NCA 2019 Guidance for NGOs on how to Identify and Support Victims of Criminal Exploitation: <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/241-guidance-for-councils-on-how-to-identify-and-support-victims-of-criminal-exploitation/file>

individual into taking up a support offer (for example, an entrenched rough sleeper who has previously refused accommodation offers).

## **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

12. The government seeks to extend the powers contained within the ASBCP 2014 as well as the Community Safety Accreditation Scheme (CSAS) legislated for under the Police Reform Act 2002 (a voluntary scheme under which Chief Constables can choose to accredit employed people already working in roles that contribute to maintaining and improving community safety with limited but targeted powers). The extended powers will allow the relevant agencies for example; police, local authorities etc. to deal with ASB more effectively and can lead to a reduction in ASB incidents across England and Wales and contribute towards ODP 1 Reducing Crime in the Home Office Outcome Delivery Plan<sup>11</sup>.
13. The government will do this by extending the below legislation:
  - Extending the timeframe for a dispersal order from 48 hours to 72 hours, with a mandatory review at 48 hours.
  - Lowering the age of a Community Protection Notices (CPN) from 16 to 10 (the age of criminal responsibility).
  - Increasing 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.
  - Extending the timeframe that relevant agencies can apply for a Closure Order from 48 hours after service of a Closure Notice through the courts to 72 hours.
  - Extending the Closure Power to registered housing providers.
  - Extending the power of arrest to all breaches of a Civil Injunction.
  - Extending the powers available under the CSAS to allow CSAS officers to enforce breaches of CPNs and PSPOs.
  - Extending the power to issue a PSPO to police.

## **Community Safety Partnerships (CSPs)**

14. These measures aim to improve accountability and strategic alignment between CSPs and PCCs, which will better enable CSPs to cut crime and ASB at a local level.

## **Knife Crime**

15. The knife crime legislative proposals are in response to significant public and parliamentary concern about increases in knife crime. The government ran a public consultation between 18 April and 6 June 2023<sup>12</sup> asking for views on legislative proposals to deal with knife crime. A total of five proposals, also referred to as measures, were included in the consultation. Not all of the measures require new primary legislation; it is only the ones which do that have been included in the Criminal Justice Bill and detailed in this IA.

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<sup>11</sup> Home Office Outcome Delivery Plan: <https://www.gov.uk/government/publications/home-office-outcome-delivery-plan>

<sup>12</sup> Consultation on new knife legislation proposals to deal with the use of machetes and other bladed articles in crime [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1153256/CONSULTATION\\_DOCUMENT\\_-\\_LEGISLATIVE\\_PROPOSALS\\_-\\_MACHETES\\_-\\_1804\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1153256/CONSULTATION_DOCUMENT_-_LEGISLATIVE_PROPOSALS_-_MACHETES_-_1804_1_.pdf)

16. The consultation received a total of 2,544 responses with most being supportive of the proposed measures. However, a number of respondents raised concerns in relation to the new police power to seize knives held in private, details of which are provided below.

## A.1.2 Background

### Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs

17. DToA enables police officers to test individuals for the presence of specified Class A drugs<sup>13</sup> on arrest, for those aged 18 and over, or after charge, for those aged 14 and over. Testing can take place if an individual is arrested, or charged, with a trigger offence<sup>14</sup>, or here there are reasonable grounds to suspect specified Class A drug use has caused or contributed to the offence and an Inspector or higher authorises the test. If an individual tests positive, they may be referred to an initial assessment, and in some cases a follow-up assessment, with a drug support worker. Failure to provide a sample without good reason, or non-attendance at an initial and/or follow-up assessment can result in further charge, with each offence punishable by a prison sentence of up to three months, a Level 4 fine (up to £2,500), or both<sup>15</sup>.
18. In 2011 DToA was operational in 23 police forces across England and Wales<sup>16</sup>. The Home Office funding for this project stopped shortly after, with expectations that this operational resource would be funded from within police budgets. In the year to March 2020, fewer than half of all police forces in England and Wales were reporting DToA data to the Home Office, suggesting its use across police forces may have declined.
19. In its response to Part II of the Dame Carol Black Review of Drugs, the Home Office committed to supporting an expansion of police activity to target the misuse of drugs<sup>17</sup>. This includes the increase in use (both geographically and by volume) and expansion of DToA. This commitment was further underlined in a speech by the then Home Secretary on 6 October 2021, where the Home Secretary committed to investing £15 million in DToA over the following three financial years.
20. In July 2022, Swift, Certain, Tough: New consequences for drug possession White Paper proposed the following reforms to DToA, to support the identification of wider cohorts of drug users<sup>18</sup>:
- Expand the types of drugs that can be tested for to include drugs in other classifications where relevant (This IA is dealing with this part).
  - Expand the types of drugs that can be tested for to include a wider range of Class A drugs (the IA published in July 2023 has dealt with this<sup>19</sup>).
  - Expand the number of trigger offences that can lead to drug testing on arrest.
21. In July 2023, the Criminal Justice (Specified Class A Drugs) Order 2023 was laid in Parliament. This expands the definition of “specified Class A drugs” for the purposes of drug testing in police detention, in addition to some other policy areas, to include the substances currently listed as “Class A” in paragraphs (1) to (5) of Part 1 of Schedule 2 to the Misuse of Drugs Act 1971. This excludes

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<sup>13</sup> Criminal Justice (Specified Class A Drugs) Order 2023, The Criminal Justice (Specified Class A Drugs) Order 2023 - Impact Assessment (legislation.gov.uk),

<sup>14</sup> Trigger offences are defined in Schedule 6 to the Criminal Justice and Court Services Act 2000.

<sup>15</sup> Non-compliance offences include: 19348 – Failure to provide a sample

19353 – Failure to attend or stay for the duration of an initial assessment following a test for Class A drug

19354 – Failure to attend or stay for the duration of a follow up assessment following a test for Class A drug

<sup>16</sup> As per Introducing Locally Funded Drug Testing on Arrest Guidance, published in 2011:

<https://assets.publishing.service.gov.uk/media/5a7a2132ed915d6eaf153f61/Introducing-Locally-Funded-DTOA.pdf>

<sup>17</sup> 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>

<sup>18</sup> Secretary of state for Home Office, Swift, Certain, Tough: New Consequences for Drug Possession (accessible version) - GOV.UK: <https://www.gov.uk/government/consultations/swift-certain-tough-new-consequences-for-drug-possession-white-paper/swift-certain-tough-new-consequences-for-drug-possession-accessible-version>

<sup>19</sup> The Criminal Justice (Specified Class A Drugs) Order 2023 - Impact Assessment (legislation.gov.uk),

<https://www.legislation.gov.uk/ukSI/2023/784/impacts/2023/83>

paragraph (6), which classifies Class B drugs prepared for administration by injection as Class A. This legislative change came into force on 2nd August 2023.

22. The government is continuing to progress separate legislation to expand the list of trigger offences for the purposes of drug testing in police detention. A separate IA will be produced as part of the normal Parliamentary process to assess the impact of this proposed legislative change. This potential scenario has not been included in the modelling for this IA, as the legislation is still in the inception stage.

### **The Replacement of the Vagrancy Act 1824**

23. Currently the VA 1824 contains provisions that criminalise certain types of activity including begging and some forms of rough sleeping (excluding the use of tents when used for travel and where there have been no offers of support) and being found in an enclosed space for an unlawful purpose (defined through case law as being for a criminal purpose).
24. The public rightly expects that vulnerable individuals sleeping rough should be supported to create and sustain a life away from the streets, and supported onto a path to self-sufficiency and reduce need on state support. Nuisance begging causes harm to the individuals involved and to wider communities including its impact on high streets. It is right that the local authorities and the police should have the tools they need to respond effectively to begging and rough sleeping where it has a negative impact on other members of the community, and that rehabilitation and support is placed at the centre of the department's approach for those who need it most.
25. Ending rough sleeping by the end of this Parliament was a Government commitment that is led by the Department for Levelling Up, Housing and Communities (DLUHC) who have produced a Rough Sleeping Strategy<sup>20</sup> (refreshed in Sept 2022) that reiterated the commitment to repeal and replace VA 1824 (the Police, Crime, Sentencing and Courts Act 2022 provided for the repeal of the VA 1824 (as yet uncommenced) while the replacement powers are contained in the Criminal Justice Bill).
26. Rough sleeping and begging can be conflated, but in reality the overlap between them is complex. Many people begging are not sleeping rough and do have a place to sleep at night. Begging can cause nuisance, public order issues, and sometimes intimidation as well as having an adverse impact on local areas and businesses. Begging can undermine the public's sense of safety and pride in where they live. It is recognised that whilst begging can cause unease, it can also be used by organised criminal gangs, including from overseas, as a source of funds in their own right, or to support other criminal activity. The government wants to ensure that effective action can be taken to respond to begging alongside wider work to reduce rough sleeping.
27. Current use of the VA 1824 by the police and local authorities is very mixed in large part because it is seen as not appropriate for modern times. A punitive response on its own (in the form of a small fine and/or short prison term), as provided for in the VA 1824, is unhelpful as people who beg and rough sleep tend to have other support needs, typically substance addiction and mental health needs that require addressing before sustainable behavioural change can be made. The replacement measures combine these approaches.
28. Local authorities are responsible for leading local area responses to rough sleeping and begging and the police are one of their enforcement partners. The evidence base shows enforcement alone will not end rough sleeping but where twinned with support offers, it can be effective in leveraging some individuals to accept help.
29. Consequently, police work closely with local authorities and other agencies so that enforcement is not, as a matter of course, used as the first response but is used and considered as part of a multi-agency response with support being at the heart such as in models like Operation Luscombe<sup>21</sup>. When the police and local authorities use enforcement to address begging and problematic rough

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<sup>20</sup> Ending rough sleeping for good policy paper : <https://www.gov.uk/government/publications/ending-rough-sleeping-for-good>

<sup>21</sup> Operation Luscombe is an initiative that was started to deal with begging and signpost individuals to additional/ support services as a result of a community trigger.



sleeping they often use a variety of other legislative tools, depending on the particular circumstances including: ASB powers, Highways Act 1980, and the Criminal Justice and Public Order Act 1994. The new legislation will replace this piecemeal approach with a comprehensive bespoke package that recognises the wider support needs people who beg and / or rough sleep tend to have by building in a court route for positive treatment orders.

## **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

30. The CSP review and ASB powers consultation<sup>22</sup> tested views on extending the powers used to deal with ASB contained within the ASBCP 2014. ASB is primarily dealt with by the police and local authorities although other local agencies such as social landlords and integrated care boards can use some of the powers within ASBCP 2014.
31. The Home Office determined through engagement for the ASB Action Plan<sup>23</sup>, published on 27 March 2023, that the police, local authorities and other relevant agencies require expanded powers to effectively deal with ASB within their local areas. As part of engagement for the ASB Action Plan, stakeholders repeatedly told the Home Office that the powers and tools in ASBCP 2014 need to 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 deal with 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. The Home Office launched a consultation alongside publication of the plan to seek views from PCCs, police, local authorities and other relevant agencies involved in tackling ASB.
32. These changes are to extend the powers contained within ASBCP 2014 as well as the CSAS. It is intended that expanding the powers will allow the relevant agencies to deal with ASB more effectively and will lead to a reduction in ASB incidents across England and Wales.

## **Community Safety Partnerships (CSPs)**

33. CSPs were introduced by section 6 of the Crime and Disorder Act 1998 and bring together local partners to formulate and deliver strategies within their communities to reduce crime, disorder and ASB<sup>24</sup>. The agencies that make up a CSP are the Police, Fire and Rescue Authority, local authorities, health partners, and Probation Services.
34. Part two of the PCC Review was an internal review conducted by the Home Office in 2021<sup>25</sup>. It found that while the importance of CSPs was widely acknowledged, they were not always operating as effectively as they could, resulting in a recommendation that the Home Office undertake a full review of CSPs across England and Wales<sup>26</sup>.
35. The PCC Review also considered what more PCCs can do to deal with ASB in partnership with CSPs. The Review<sup>27</sup> recommended that the Home Office should consider introducing a new duty for CSPs to report on their local ASB strategy and delivery to PCCs, and legislating to set out the PCC role in the ASB Case Review process.

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<sup>22</sup> Community safety partnerships review and antisocial behaviour powers: <https://www.gov.uk/government/consultations/community-safety-partnerships-review-and-antisocial-behaviour-powers>

<sup>23</sup> Anti-Social Behaviour Action Plan: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

<sup>24</sup> Crime and Disorder Act 1998, Section 6: <https://www.legislation.gov.uk/ukpga/1998/37/section/6>

<sup>25</sup> 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>

<sup>26</sup> Update on Part Two of the Police and Crime Commissioner Review: <https://questions-statements.parliament.uk/written-statements/detail/2022-03-07/HCWS664>

<sup>27</sup> [https://qna.files.parliament.uk/ws-attachments/1438235/original/Annex%20A%20-%20Recommendations%20\(PCC%20Review%20Part%202\).pdf](https://qna.files.parliament.uk/ws-attachments/1438235/original/Annex%20A%20-%20Recommendations%20(PCC%20Review%20Part%202).pdf)

## Knife Crime

### Power to seize bladed articles held in private

36. It is already illegal, under section 139 of the Criminal Justice Act 1988 (CJA 1988)<sup>28</sup>, to carry an article with a blade or point in public without good reason. The Offensive Weapons Act 1996<sup>29</sup> amended the CJA 1988 to introduce an offence of having an article with a blade or point or an offensive weapon on school premises.<sup>30</sup> Therefore, the police already have powers to seize bladed articles in public places and on school premises.
37. At present, if the police find a machete or any other legal article with a blade in someone's home and they have reasonable grounds to suspect that the items will be used in connection with unlawful violence, they cannot take action, unless the item is considered to be evidence in a criminal investigation.
38. The Criminal Justice Bill introduces a new power that will allow the police to seize, retain and destroy bladed articles held in private, including those held lawfully. Items can be seized if the police are in private property lawfully and they have reasonable grounds to suspect the items will likely be used in connection with unlawful violence.
39. Of the responses received regarding introducing the new police power, 58 per cent did not agree with the proposal, and 42 per cent agreed that the proposed new power is necessary and proportionate. The main concerns raised were around the power being open to interpretation and applied incorrectly, possibly affecting people who have a legitimate use for knives. Guidance will be provided in how this power should be exercised and it will be open to the normal police complaints procedure.
40. Other responses were supportive of this power as a way to help prevent future offending and protect future victims of violence or crime.
41. This power will be exercisable by any police officer lawfully at a property in the course of their duties. That is any officer, regardless of rank, at a property under the Police and Criminal Evidence Act 1984 (PACE 1984)<sup>31</sup> powers, or by common law powers, or by invitation of an occupier.
42. Upon seizure of an item, the police will notify the possessor in writing that the item in question has been seized. This power will be open to the existing police complaints procedure, and the owner will have the right to apply to a magistrates' court for an order that the article(s) be returned.

### Increased maximum penalty for private possession, importation, manufacture, sales and general supply of prohibited offensive weapons and for sale of a knife to a person aged under 18 offences

43. The offences of importation, manufacture, sale and general supply of prohibited offensive and dangerous weapons and the offence of the private possession of an offensive weapon is detailed in section 141 of the CJA 1988<sup>32</sup>. The offence of selling bladed articles to persons aged under 18 is detailed in section 141A of the CJA 1988<sup>33</sup>. Both have a maximum penalty of six months' imprisonment, an unlimited fine, or both in England and Wales.<sup>34</sup>

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<sup>28</sup> Section 139 Criminal Justice Act 1988

<https://www.legislation.gov.uk/ukpga/1988/33/section/139>

<sup>29</sup> Offensive Weapons Act 1996

<https://www.legislation.gov.uk/ukpga/1996/26/section/4>

<sup>30</sup> Section 139A Criminal Justice Act 1988

<https://www.legislation.gov.uk/ukpga/1988/33/section/139A>

<sup>31</sup> Police and Criminal Evidence Act 1984

<https://www.legislation.gov.uk/ukpga/1984/60/contents>

<sup>32</sup> Section 141 Criminal Justice Act 1988

<https://www.legislation.gov.uk/ukpga/1988/33/section/141>

<sup>33</sup> Section 141A Criminal Justice Act 1988 (legislation.gov.uk) <https://www.legislation.gov.uk/ukpga/1988/33/section/141A>

Section 141A Criminal Justice Act 1988

<https://www.legislation.gov.uk/ukpga/1988/33/section/141A>

<sup>34</sup> Sentencing Act 2020

<https://www.legislation.gov.uk/ukpga/2020/17/section/122/enacted>

44. In 1997 a new offence of marketing knives as suitable for violence was introduced with a maximum penalty of two years' imprisonment in England and Wales<sup>35</sup>. However, the maximum penalty for the offences of selling prohibited weapons and selling knives to persons aged under 18 were not amended, although Home Office would argue that they are as serious as unlawful marketing of knives.
45. The Home Office sought views from respondents to the consultation on whether selling knives to persons aged under 18 or selling prohibited knives or offensive weapons should have a maximum penalty of two years. There was overall support to this proposal, with 59 per cent of respondents agreeing to the maximum penalty being increased.
46. At the same time, increasing the maximum penalty to two years' imprisonment would bring the offence within section 17(1)(a) of the PACE 1984<sup>36</sup> which confers powers for the police to enter any premises for the purposes of arresting a person for an indictable offence on a police constable, which may be needed to investigate suspicious sales. This would provide the police with more time to investigate the alleged offence and to do so when sufficient evidence has been gathered, without the pressure of the current summary offence time limit of six months.

**New possession offence of a weapon or bladed articles with the intent to use in unlawful violence.**

47. Section 139 of the CJA 1988 makes it an offence to have a bladed article in public without lawful authority or good reason. Similarly, section 139A makes it an offence to have a bladed article in education premises.
48. Section 1 of the PCA 1953<sup>37</sup> makes it an offence to have an offensive weapon in public. "Offensive weapon" means in this context any article made or adapted for use for causing injury to the person or intended by the person having it with him for such use by him.
49. Section 139AA of the CJA 1988<sup>38</sup> and section 1A of the PCA 1953<sup>39</sup> makes it an offence to threaten with a bladed article or offensive weapon. A person is guilty of an offence if they unlawfully and intentionally threaten another person in such a way that a reasonable person, who was exposed to the same threat, would think that there was an immediate risk of physical harm.
50. The maximum penalty on indictment for these offences is four years' imprisonment. If the person convicted of these offences has at least one previous relevant conviction and is 16-18 years old, the court must impose a minimum appropriate custodial sentence of a detention and training order of at least four months. If the person convicted is 18 years of age or older the minimum appropriate custodial sentence is imprisonment, or detention in young offender institution, for a term of at least six months.<sup>40</sup>
51. Of those who responded to this proposal in the consultation, 64 per cent agreed that there should be a new possession offence of bladed articles with the intention to endanger life or cause fear of violence.
52. This new legislation will bridge the gap between possession of a knife (or an offensive weapon) and it being used to threaten anyone. Using firearms legislation as a guide, the government are creating a separate offence of having a bladed article or an offensive weapon with the intention to use in unlawful violence. The maximum penalty on indictment will be four years' imprisonment.

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<sup>35</sup>Section 1 Knives Act 1997

<https://www.legislation.gov.uk/ukpga/1997/21/section/1>

<sup>36</sup> Police and Criminal Evidence Act 1984

<https://www.legislation.gov.uk/ukpga/1984/60/section/17>

<sup>37</sup> Prevention of Crime Act 1953

<https://www.legislation.gov.uk/ukpga/Eliz2/1-2/14/section/1>

<sup>38</sup> Section 139 AA Criminal Justice Act 1988

<https://www.legislation.gov.uk/ukpga/1988/33/section/139AA>

<sup>39</sup> Section 1A Prevention of Crime Act 1953

<https://www.legislation.gov.uk/ukpga/Eliz2/1-2/14/section/1A>

<sup>40</sup> Section 312 Sentencing Act 2020

<https://www.legislation.gov.uk/ukpga/2020/17/section/312>

53. Section 16 of the Firearms Act 1968 (FA 1968)<sup>41</sup> makes it an offence to possess any firearm or ammunition with the intent to endanger life, or cause serious injury to property, or to enable another person to endanger life or cause serious injury to property. Section 16A of FA 1968<sup>42</sup> makes it an offence to be in possession of any firearm or imitation firearm with the intent to cause or enable another person to cause fear of violence. These offences are triable on indictment only and carry a maximum of life imprisonment and 10 years respectively. These offences are in addition to simple possession offences under section 1 of the FA 1968 (possession of a firearm or ammunition without a firearm certificate) and section 5 of the FA 1968 (possession of prohibited weapons or ammunition) which carry maximum penalties of 7 and 10 years respectively.

### A.1.3 Groups affected

#### Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs

54. The main groups affected by the expansion of DToA as set out in this IA will be:

- Police forces in England and Wales.
- Individuals arrested who are suspected to be using drugs.
- Police officers and custody staff.
- Treatment / intervention providers.

#### The Replacement of the Vagrancy Act 1824

55. **Individuals** – replacement legislation to (re) criminalise forms of nuisance begging and proactively encourage engagement with support services will mean individuals engaged in begging will be given more opportunity for appropriate support. This includes positive treatment orders where under the VA 1824, a fine and/or prison sentence were the only options available. Further, for the first time since VA 1824 the mere act of begging, without causing nuisance or worse, will not be a criminal offence allowing those who are truly destitute to be able to beg without it being a criminal offence.
56. The new offence of facilitating organised begging will mean individuals involved in this can be held criminally accountable for their actions and not just the person begging. These individuals could face a fine or prison sentence.
57. The move on powers for individuals causing a form of nuisance whilst rough sleeping will allow individuals engaging in this behaviour to be moved on directly by police, (this can include a request if a tent has been put up and is causing nuisance).
58. These provisions will also benefit individual members of the public who can feel worried, scared, intimidated, or otherwise negatively impacted by nuisance begging, and those who suffer the damage, disruption or distress by some people who rough sleep (including public land).
59. **Businesses** – (re)criminalising begging where it causes a nuisance and in particular locations such as in front of shops, is likely to help businesses by discouraging the presence of beggars outside their premises which can be off-putting or intimidating to potential customers and may dissuade them for accessing the shop. Similarly for rough sleepers related measures whose presence outside shops and on high streets can be a deterrent for people in accessing the area free from nuisance or intimidation.
60. Not only can nuisance begging and rough sleeping negatively impact a business via reduced footfall, retail bodies report it being associated with rubbish, drug paraphernalia, defecation, etc. left outside and around entrances which businesses often have to spend money clearing up. Surveys by bodies

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<sup>41</sup>Section 16 Firearms Act 1968  
<https://www.legislation.gov.uk/ukpga/1968/27/section/16>

<sup>42</sup> Section 16a Firearms Act 1968  
<https://www.legislation.gov.uk/ukpga/1968/27/section/16A>

such as the National Business Crime Centre<sup>43</sup> clearly show businesses view begging as a significant issue for themselves and their business and stakeholder workshops with national retail bodies<sup>44</sup> indicated support for these targeted replacement measures.

61. **Public institutions and Police** – Local authorities lead and coordinate local responses to rough sleeping and have a role in responding to ASB and other matters that affect towns and high streets. The new civil orders proposed will be able to be used by both designated local authority enforcement officers and police officers to deal with those who are begging (in a similar manner to how ASB orders are used). These new simplified pathways to addressing begging to replace VA 1824 are expected to lead to reduced bureaucracy, increased flexibility, and simplification of administration which can help free up police time.

### **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

62. There will be several groups impacted by the set of proposals including:
- Victims of ASB
  - Perpetrators of ASB
  - The general public, and communities affected by ASB
  - Police and wider law enforcement agencies
  - Local Authorities
  - Criminal Justice System agencies:
    - i. Crown Prosecution Service (CPS)
    - ii. HM Courts and Tribunals Service (HMCTS)
  -
63. ASB is primarily dealt with by police and local authorities however, other local agencies such as social landlords and integrated care boards can use some of the powers with the ASBCP Act 2014 and will be impacted by the changes to the ASB powers measures and the options available to them.

### **Community Safety Partnerships (CSPs)**

64. The two groups this proposal concerns are CSPs and PCCs. There will be no direct effect on end users or the public on this proposal. There may be an indirect impact on local communities, through improved effectiveness of CSPs in addressing crime and ASB in their areas.

### **Knife Crime**

65. There will be a number of groups impacted by the set of proposals including:
- The general public who are affected by changes in public safety.
  - The police and wider law enforcement agencies.
  - Criminal Justice System (CJS) agencies:
    - Crown Prosecution Service (CPS)
    - HM Courts and Tribunals Service (HMCTS)
    - HM Prisons and Probation Service (HMPPS)
    - Legal Aid
  - Trading Standards
  - HM Government
  - Businesses that manufacture, distribute and sell these items
  - Individuals who own items within scope of the legislation

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<sup>43</sup> NBCC Survey Results:

<https://nbcc.police.uk/images/2023/News%202023/NBCC%20ASB%20Survey%20results%20-%20March2023.pdf>

<sup>44</sup>Including British Retail Consortium. The Association of Convenience Stores and the Federation of Independent Retailers, as well as the National Business Crime Centre.

## A.1.4 Consultation

### Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs

#### Public consultation

66. DToA expansion was consulted on in the Swift, Certain, Tough: New Consequences for Drug Possession White Paper consultation<sup>45</sup>, and and a core element of the Reducing Demand strand of the 10-year Drug Strategy. For the purposes of this IA, only the responses to the White Paper relating to the proposed expansion to DToA powers are considered here.
67. This public consultation conducted in 2022 received 4,499 responses (4,472 online and 27 via email). Taking into consideration the sampling technique used and analysis conducted on the demographics of the respondents, the sample population was not representative of the UK population. Therefore, the findings from this consultation cannot be generalised and may be reflective of a particular cohort who decided to engage with the public consultation.
68. Analysis of the consultation responses found that 11 per cent (501) agreed or strongly agreed with the proposal of expanding the range of illicit drugs that can be tested and 79 per cent (3,509) of respondents disagreed or disagreed strongly. When asked about which drugs respondents' thought were important to be able to test for, 91 per cent (4,080) of respondents said no for Class B cannabis and over two thirds (3,086) of respondents said no for Gamma-hydroxybutyrate, a drug also known as GHB<sup>46</sup>. The majority of respondents expressed their concern that the drug testing proposal would lead to a negative impact on individuals with protected characteristics (particularly individuals with an ethnic minority background). This potential risk and mitigation actions are included in the 'wider risk section'. The responses throughout the open-ended responses often included a narrative around decriminalisation of drugs/drug possession and legalisation of cannabis. Legalisation was out of scope of the consultation. It cannot be determined if disagreement with the DToA proposals was specific to the expansion outlined, or reflective of a view that any form of intervention for personal drug possession should be removed.

#### Consultation with the police

An on-going consultation is being conducted with police forces currently delivering DToA. Police forces have been consulted through primary interviews on how they are currently conducting DToA and how the proposed changes and expansion will impact their police force. This has helped with laying out a more realistic model and indicated what the potential risks are to the DToA expansion. There are also regular meetings held with the expansion police forces to ensure lessons are learnt quickly and that police forces are fully aware of legislation changes and how it impacts drug testing.

## The Replacement of the Vagrancy Act 1824

#### Public consultation

69. DLUHC conducted a public consultation<sup>47</sup> in 2022 seeking views on replacement legislation. Further engagement with police forces, PCCs, and local authorities, coupled with DLUHC's review of vagrancy legislation and the responses to their consultation provided evidence in support of replacing the VA 1824.

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<sup>45</sup> Secretary of state for Home Office, Swift, Certain, Tough: New Consequences for Drug Possession (accessible version) - GOV.UK: <https://www.gov.uk/government/consultations/swift-certain-tough-new-consequences-for-drug-possession-white-paper/swift-certain-tough-new-consequences-for-drug-possession-accessible-version>

<sup>46</sup> GHB (or Gamma-hydroxybutyrate) is a central nervous system depressant that is commonly referred to as a "club drug" or "date rape" drug. GHB is abused by teens and young adults at bars, parties, clubs and is often placed in alcoholic beverages. Euphoria, increased sex drive, and tranquility are reported positive effects of GHB abuse. Negative effects may include sweating, loss of consciousness, nausea, hallucinations, amnesia, and coma, among other side effects.

<sup>47</sup> Review of the Vagrancy Act: consultation on effective replacement: <https://www.gov.uk/government/consultations/review-of-the-vagrancy-act-consultation-on-effective-replacement>

## **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

### **Public consultation**

70. On 27 March 2023, in parallel with publication of the ASB Action Plan<sup>48</sup>, the Home Office launched a consultation<sup>49</sup> on the ASB powers and CSPs. The consultation, which was referenced in the ASB Action Plan, was intended to garner views on extending powers to deal with ASB; and extending the relationship between CSPs and PCCs to give PCCs a greater role in CSP activity, including how they deal with ASB.
71. The Home Office conducted engagement with practitioners on ways of improving the effectiveness of ASB Powers. These ways were identified through Home Office Analysts research and engagement with stakeholders.
72. As part of engagement for the ASB Action Plan, stakeholders repeatedly told the Home Office that the powers and tools in ASBCP 2014 need to be extended via legislation to ensure greater effectiveness at tackling ASB. While the police, local authorities and other agencies already have a range of powers to deal with 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. The Home Office launched a consultation alongside publication of the Action Plan to seek views from PCCs, police, local authorities and other relevant agencies involved in tackling ASB. From the views sought, there were potential measures which the Home Office has decided not to take forward based on views from practitioners.
73. The consultation was used to inform the development of this legislation.

### **Community Safety Partnerships (CSPs)**

#### **Public consultation**

74. The CSP Review and ASB powers consultation was published on 21 March 2023 and ran until 22 May 2023<sup>50</sup>. There were a total of 368 respondents including 194 CSPs, 34 PCCs and 64 local authority members. The majority of responses were in favour of the proposals being taken forward in this Bill, with the exception of PCCs having the power to make recommendations on the activity of CSPs, on which responses were split equally.<sup>51</sup> Many respondents suggested that implementing PCC recommendations should not be mandatory. Based on this feedback, implementation of recommendations will not be mandated.
75. The consultation additionally found that many PCCs currently have no involvement in the ASB Case Review process. There was broad support from respondents for PCCs to promote awareness of the ASB Case Review process, monitoring its use and providing a route for victims to query decisions. The majority of respondents additionally supported data and information on ASB strategy being shared between CSPs and PCCs.

### **Knife Crime**

#### **Within government**

- Attorney General's Office
- Crown Prosecution Service (CPS)

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<sup>48</sup> Anti-Social Behaviour Action Plan: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

<sup>49</sup> Community safety partnerships review and antisocial behaviour powers: <https://www.gov.uk/government/consultations/community-safety-partnerships-review-and-antisocial-behaviour-powers>

<sup>50</sup> CSP Review and ASB Powers Consultation: <https://www.gov.uk/government/consultations/community-safety-partnerships-review-and-antisocial-behaviour-powers/consultation-document-accessible>

<sup>51</sup> Role of Police and Crime Commissioners: <https://hmicfrs.justiceinspectorates.gov.uk/police-forces/working-with-others/pcc/role-of-police-and-crime-commissioners/>

- Department for Business and Trade
- Department for Culture, Media and Sport
- Department for Education
- Department for Energy Security and Net Zero
- Department for Environment, Food & Rural Affairs
- Department for Science, Innovation and Technology
- Department for Health and Social Care (DHSC)
- HM Courts & Tribunal Service (HMCTS)
- HM Prisons and Probation Service (HMPPS)
- Home Office – Border Force
- Judicial Office
- Ministry of Defence
- Ministry of Justice
- National Crime Agency
- Northern Ireland Executive
- Royal Armouries Museum
- Scottish Government
- Welsh Government

### **Public consultation**

76. A full public consultation opened on 18 April 2023<sup>52</sup> to seek views on five legislative proposals to deal with machetes and large knives used in crime. The consultation ran for seven weeks and closed on 6 June 2023. Responses from members of the public were welcomed as well as from directly affected parties. The consultation paper was sent to professional bodies and representative groups listed in Annex 2 of the consultation document. The consultation received a total of 2,544 responses.
77. The government's response to the consultation was published on 30 August 2023 and provides details on all questions asked.<sup>53</sup> Proposals 1 and 4 in the consultation do not require changes to primary legislation to implement and are not included in this IA.

### **Power to seize bladed articles held in private (proposal 2 in the consultation).**

78. With regards to this measure, 58 per cent of respondents did not agree that a new police power was necessary and proportionate. Respondents shared concerns that the power could be open to interpretation and applied arbitrarily, possibly affecting people who do not intend to use such items for serious crime or violence. Some respondents who supported this power being applicable to any knife held in private thought that it would avoid loopholes around length, for example, from arising in future. The government is clear that this power could only be used if the police is lawfully on private premises and any bladed article could only be seized if the police have reasonable grounds to suspect that the item would likely be used in connection with unlawful violence.

### **Increased maximum penalty for private possession, importation, manufacture, sales and general supply of prohibited offensive weapons and for sale of a knife to a person aged under 18 offences (proposal 3 in the consultation).**

79. With regards to this measure, 59 per cent of those who responded to this question supported increasing the maximum penalty to two years. There were some comments noting that sellers who carry out reasonable checks to verify age should not be penalised. This measure is intended for those knowingly selling knives to those under 18 years of age and is not intended to be used to charge sellers who have carried out all the reasonable steps to verify age and had no reason to believe the individual was not under 18 years of age.

<sup>52</sup> Consultation on new knife legislation proposals to deal with the use of machetes and other bladed articles in crime  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1153256/CONSULTATION\\_DOCUMENT\\_-\\_LEGISLATIVE\\_PROPOSALS\\_-\\_MACHETES\\_-\\_1804\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1153256/CONSULTATION_DOCUMENT_-_LEGISLATIVE_PROPOSALS_-_MACHETES_-_1804_1_.pdf)

<sup>53</sup> Government response to consultation on proposals to deal with the use of machetes and other bladed articles in crime  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1181991/Government\\_Response\\_to\\_Machetes\\_Consultation\\_-\\_sent\\_to\\_gov.uk\\_31-08-23\\_CLEAN.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181991/Government_Response_to_Machetes_Consultation_-_sent_to_gov.uk_31-08-23_CLEAN.pdf)



## **New possession offence of a weapon or bladed articles with the intent to use in unlawful violence (proposal 5 in the consultation).**

80. With regards to this measure, 64 per cent of those who responded to this question supported a new possession with intent offence. Comments from respondents included that this would adequately address the seriousness of carrying a bladed article with the intention to cause fear and the increased likelihood of escalation resulting in harm or threat to life. This allows police to act before the act of threatening harm occurs.

## **B. Rationale for intervention**

### **Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs**

81. In March 2023, the government published the Anti-Social Behaviour Action Plan<sup>54</sup>, which commits to widening the number of drugs that can be tested for as part of DToA to include “Class B drugs such as cannabis, speed and ketamine” and to “consider further broadening this to some Class C drugs.”
82. The Dame Carol Black Review of drugs<sup>55</sup> highlighted the drug-related harms faced by society today. The social and economic cost of illicit drugs is estimated at £22 billion per year (in 2023/24 prices)<sup>56</sup> for England and Wales. Illicit drugs play a key role in driving crime - around half of homicides are thought to be drug-related in some way<sup>57</sup>, and nearly half of acquisitive crime is thought to be committed by people who use drugs. The review also found that more than a third of people in prison are there due to crimes related to drug use (mostly acquisitive crime). The short sentences for these prisoners may mean that they are less likely to receive treatment whilst in prison, further highlighting the importance of diversion into drug treatment via different routes.
83. Substance use treatment plays an important role in addressing drug use and related harms and criminality. Research has demonstrated that treatment can reduce offending by almost a quarter, while opiate users who successfully complete treatment reduce their offending by almost 40 per cent<sup>58</sup>. DToA has been previously identified as a potential means of identifying drug users and diverting them to treatment<sup>59</sup>.
84. The policy aim in expanding DToA beyond Class A drugs is to identify a wider cohort of drug users whose drug use may contribute to their criminality and divert more individuals to treatment and support services. The expansion of DToA seeks to protect the health of the individuals and address their drug use by diverting them into treatment or support services with the aim to reduce drug-related (re)offending preventing disorder and crime. This legislation looks at the impact of continuing drug testing but expanding the type of drugs tested to specified Class B and C drugs.

## **The Replacement of the Vagrancy Act 1824**

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<sup>54</sup> Anti-Social Behaviour Action Plan - GOV.UK: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

<sup>55</sup> 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>

<sup>56</sup> The original figure is £19.3 billion in 2017/18 prices and the GDP deflator was used to bring the figure into 2023/24 prices. The GDP deflator source used is: <https://www.gov.uk/government/statistics/gdp-deflators-at-market-prices-and-money-gdp-november-2022-autumn-statement>

<sup>57</sup> Drug related includes cases where the homicide victim and/or suspect was a known drug user or dealer, where the victim and/or suspect was believed to have been using drugs at the time, or where the motive was suspected to be drug-related – for example to acquire illegal drugs.

<sup>58</sup> Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks (publishing.service.gov.uk): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/882953/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882953/Review_of_Drugs_Evidence_Pack.pdf)

<sup>59</sup> Drug testing on arrest—who benefits? | Health & Justice (biomedcentral.com): <https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-019-0103-z>

85. The VA 1824 criminalises begging and some forms of rough sleeping. Its use by police and local authorities is mixed as VA 1824 is seen as outdated and the available penalties (small fine and/or short prison term) are unhelpful as those who beg and rough sleep tend to have other support needs (such as addiction and/or mental health issues). The archaic language used within the VA 1824 detracts from its use and the willingness of prosecutors to use it.
86. Begging and rough sleeping are harmful to the individuals involved (entrenching street based lifestyles and funding addictions) and wider communities including business and individuals (feeling unsafe, being approached for money etc).

### **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

87. The powers in the ASBCP 2014 are localised in nature, but it is the role of the government to ensure local agencies have the appropriate powers to deal with ASB effectively. The consultation took the views of a wide range of people, from police to local authority representatives to practitioners. The responses of the consultation helped to shape the changes that the government are implementing, to ensure the powers will be proportionate and effective.

### **Community Safety Partnerships (CSPs)**

88. The problem government faces with CSPs is the lack of accountability currently in place to monitor performance. There is significant variation in performance of CSPs across England and Wales with little understanding whether they are performing their statutory functions, or not. Without accountability structures, it is expected that no improvements will be made.
89. Legislation will help solve this issue by formalising information sharing and engagement with CSPs and their PCC, allowing recommendations to be made to CSPs when an opportunity for improvement is identified, improving the CSP/PCC relationship, and aligning crime reduction efforts in police force areas.
90. While many of the new requirements are already completed informally by some high performing CSPs, government intervention is required to improve the remaining majority of CSPs, so they are performing to the same standard as their counterparts.
91. The rationale for government intervention is that, without anything set out in legislation, there is currently a 'postcode lottery' for the public who are victims of ASB as to how their issues will be resolved as PCC involvement in the ASB Case Review process is inconsistent across England and Wales. This legislation intends to solve this by providing PCCs with a defined role in the ASB Case Review process. By setting out what is expected of them in legislation, it is expected that all victims, no matter where they live, receive a consistent service when they apply for an ASB Case Review.
92. PCCs often do not have access to local data on ASB and crime when setting out their Police and Crime Plan, as currently, there is nothing set out in legislation for this data to be shared by CSPs. This disconnect leads to differing and often contradictory priorities between PCCs and CSPs.
93. This legislation will set out that relevant agencies share the data they have in their annual strategic assessment which will include the number and types of ASB incidents reported in the last year, locations of where ASB incidents occur and the number and outcomes of ASB Case Reviews in the past year.
94. Sharing this data will ensure a more joined-up approach between PCCs and CSPs when setting out their strategy to deal with ASB.

### **Knife Crime**

95. Between 2014/15 and 2018/19, there was a 44 per cent increase in serious violence, measured by the number of NHS hospital admissions for patients aged under 25 for assault with a sharp object.

While this has fallen in recent years to levels more comparable to 2014/15, the Home Office want to take action to ensure that the downwards trend in knife crime is maintained given the impact that serious violence has on society. This includes the emotional and physical harms to individuals, and the wider impact on health services and the criminal justice system. Police recorded 50,489 knife enabled offences in the year ending March 2023. While police recorded knife crime remains seven per cent below pre-pandemic levels, this represents a five per cent increase since year ending March 2022.<sup>60,61</sup>

96. Knives and sharp instruments are the most common method of homicide, and their use in homicides has increased since 2014/15. There were 282 homicides committed using a knife or sharp instrument in the year ending March 2022 (41 per cent of total homicides), compared to 186 in year ending March 2015 (37 per cent of total homicides).<sup>62</sup>
97. The measures included in the government's preferred Option 2 will contribute towards tackling knife crime, and the hugely detrimental effects it has on victims, and prevent homicides.
98. A new power enabling police to seize, retain, dispose of and destroy knives and bladed articles held in private, even if the items themselves are not prohibited, will provide police with the necessary tools to disrupt crime. The police will be able to exercise this power when they are on private property lawfully and they find relevant articles which have a blade or are sharply pointed and that they have reasonable grounds to suspect will likely be used in connection with unlawful violence.
99. This measure will address scenarios similar to those detailed in case studies 1-3 in the consultation<sup>63</sup>. For example, where police officers conducted a search in the residence of a male arrested for murder involving a firearm. The male had multiple links with local gangs. A quantity of drugs were recovered, along with two machetes. Whilst there were drugs offences, the machetes were not related to these offences and the police had no powers to seize the articles.
100. An increase in the 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. The current maximum penalty upon summary conviction is six months' imprisonment, an unlimited fine, or both. It will also bring about parity with the maximum penalty given for the offence of marketing knives in a way which indicates, or suggests, it is suitable for combat or encourage violence under section 1 of the Knives Act 1997. This change will also allow police more than six months to investigate cases – which is the current time limit for this summary only offence.
101. A new possession offence where a person not only possesses the weapon or bladed article but has intent to use in unlawful violence will mirror firearms legislation and bridge the gap between possession of a knife or offensive weapon and it being used to threaten or harm anyone.

## C. Policy objective

### Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs

102. 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

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<sup>60</sup> Crime in England and Wales: Other related tables:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesotherrelatedtables>

<sup>61</sup> Increases in police recorded crime may in part reflect improved police recording practices.

<sup>62</sup> Appendix tables: homicides in England and Wales:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/march2022/relateddata>

<sup>63</sup> Consultation on new knife legislation proposals to deal with the use of machetes and other bladed articles in crime

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1153256/CONSULTATION\\_DOCUMENT\\_-\\_LEGISLATIVE\\_PROPOSALS\\_-\\_MACHETES\\_-\\_1804\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1153256/CONSULTATION_DOCUMENT_-_LEGISLATIVE_PROPOSALS_-_MACHETES_-_1804_1_.pdf)

criminality, so that they can be appropriately referred to treatment or intervention services. This will allow them to address their drug use, and ultimately reduce drug use and reoffending.

103. The expected outcomes of the policy proposals are:

- Increase in use of DToA (both nationally, and within police forces), by offering funding to all police forces in England and Wales to deliver DToA locally.
- Reduction in drug use, by increasing the number of individuals diverted into treatment, it could help change their behaviour and reduce their drug use.
- Reduction in reoffending, by supporting police to identify those who use drugs, where their drug use may contribute to their criminality, and divert to treatment and support services to ultimately reduce future offending.

### **The Replacement of the Vagrancy Act 1824**

104. The Home Office intend to replace the VA 1824 with a comprehensive modern day replacement that is easier to navigate, more straightforward to use and will help prioritise engagement with support services before any punitive measure. This modern replacement legislation 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.

### **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

105. The government aim to reduce ASB and improve public confidence in agencies abilities to deal with ASB. The policy objective is to extend and expand the tools and powers in ASBCP 2014, as well as widening the scope of CSAS to include some of the tools and powers<sup>64</sup> in ASBCP 2014 for greater and more consistent use by the relevant agencies to deal with ASB and to meet the Prime Minister's commitment<sup>65</sup> as laid out in the ASB Action Plan.

### **Community Safety Partnerships (CSPs)**

106. On accountability of CSPs, the objectives of this proposal are to improve CSP and PCC relationships. This will be achieved through sharing of strategic documents and allowing for the PCC to make recommendations to the CSP if they identify an area for improvement which will support the delivery of the objectives set out in the Police and Crime Plan or ensure delivery of better outcomes for local communities. For example, through providing a more simplified approach to cutting crime and keeping the public safe.

107. This legislation also aims to improve visibility of CSPs and the public perceptions of crime reduction efforts by CSPs through publication of the executive summary of their strategic assessment.

108. The desired effect of formalising the PCC role in the ASB Case Review process is to ensure a consistent approach that all victims of ASB can expect across England and Wales when raising a Case Review. PCCs will gain more clarity on what is expected of them, and victims will have a better idea of what to expect once a Case Review is triggered.

109. The desired effect of relevant agencies sharing data and intelligence as well as local ASB strategy is to improve the relationship between the PCC and CSP and to align local ASB strategies developed

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<sup>64</sup> As outlined in Table 1

<sup>65</sup> Anti-Social Behaviour Action Plan page 2-3: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

by CSPs with PCCs' Police and Crime Plans. This would put PCCs in a stronger position to challenge local agencies and hold the CSP to account for delivering the best outcomes for ASB victims.

## Knife Crime

110. The main objective of this legislation is to protect public safety by providing the police and the wider criminal justice system with the powers required to disrupt knife possession and prevent and deal with knife crime.

## D. Options considered and implementation

### Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs

111. To meet the policy objective, there were two options considered:

- **Option 1: 'Do nothing'**. This would involve no legislative changes and DToA continues to only test for specified Class A drugs. This not likely to achieve the government's objective to identify wider cohorts of drug users and divert to treatment or support services, and thereby change behaviour and support the wider objective of reducing demand for all drugs.
- **Option 2: Legislate to expand DToA to specified Class B and Class C drugs.** This aims to achieve the government's objective of identifying a wider cohort of drug users and reducing overall demand for drugs by getting individuals into drug treatment. This could lead to a greater understanding of criminality and drug use and may help better inform future policies and evaluations that aim to reduce harms of drug use. **Option 2 is the government's preferred option as it meets the strategic and policy objectives.**

### The Replacement of the Vagrancy Act 1824

112. To meet the policy objectives, there were two options considered:

- **Option 1: 'Do nothing'**, allowing the Vagrancy Act 1824 to remain in force.
- **Option 2: Replace the repealed Vagrancy Act 1824 with updated legislation and a suite of measures specific to both rough sleeping and begging including criminal offences,** which aim to reduce the use of the criminal route, and work on providing and sign posting support to those participating in vagrancy related offences. **Option 2 is the government's preferred option as it meets the strategic and policy objectives.**

113. DLUHC conducted a public consultation<sup>66</sup> in 2022 seeking views on replacement legislation. Further engagement with police forces, PCCs, and local authorities, coupled with DLUHC's review of vagrancy legislation and the responses to their consultation provided evidence in support of replacing the VA 1824.

### Preferred option and implementation date

114. Repeal and replace VA 1824 with updated legislation will be achieved through the introduction of primary legislation to create new criminal offences and civil measures. Introduction of the new legislation will replace the current piecemeal approach by creating vagrancy specific criminal offences and civil measures. The identified legislative vehicle is the Criminal Justice Bill. These provisions will be brought into force by commencement regulations following Royal Assent.

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<sup>66</sup> Review of the Vagrancy Act: consultation on effective replacement: <https://www.gov.uk/government/consultations/review-of-the-vagrancy-act-consultation-on-effective-replacement>

## **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

129. To meet the policy objective, there were two options considered:

- **Option 1: ‘Do nothing’** - do not make any changes to ASBCP 2014
- **Option 2: Amend the powers in ASBCP 2014 by way of primary legislation**, introduce a suite of civil measures specific to ASB and extend the existing ASB Power measures. **Option 2 is the government’s preferred option as it meets the strategic and policy objectives.**

130. The ASB powers are all legislated for within the ASBCP 2014. CSAS is legislated for within the Police Reform Act 2002.

131. The Home Office is extending a number of the powers in the ASBCP 2014. With the exception of Criminal Behaviour Orders (where no amendments will be made), the powers in ASBCP 2014 are all civil orders. Breaches of some of the powers (not including civil injunctions) however are a criminal offence. The government are not creating new offences, just enabling more bodies to enforce/exercise existing powers. The only individuals affected would be those identified as perpetrators of ASB.

132. Updated guidance will be published to accompany these provisions and support effective and smooth implementation.

### **Community Safety Partnerships (CSPs)**

133. The Home Office has considered the preferred approach against a counterfactual ‘Do-nothing’ option. Further options have not been considered as the preferred option has been developed following the outcome of a public consultation to refine the approach.

#### **Option 1: ‘Do nothing’**

134. If the Do-nothing option was taken forward CSPs would continue to be fragmented in their approach to local crime reduction across England and Wales. There would be no indication as to whether they are meeting their statutory requirements and the public would continue to have poor perception of local crime reduction efforts, not knowing what CSPs are.

135. PCCs would have no formal role in the ASB Case Review process outside of a requirement to be consulted when the procedure is set up and when it is reviewed. It is apparent through the consultation that those with experience working in or with CSPs see benefit to formalising the PCC role further to ensure that victims are more aware of the ASB Case Review and once it is triggered, they receive a consistent service. Currently, without this, victim satisfaction with the ASB Case Review is varied across England and Wales.

136. With no legislation for data and intelligence sharing between relevant agencies and PCCs, the current disconnect between local CSP strategies and the PCC Police and Crime Plan would continue. PCCs are currently reliant only on police data when it comes to ASB, and they do not have the full picture of what CSPs are doing to deal with ASB.

#### **Option 2: Implement Legislative Provision**

137. Implement the new legislative provision in the Criminal Justice Bill to improve relationships between CSPs and PCCs to better align crime reduction at a local level, enhancing the accountability of CSPs. This is the government’s preferred option as it meets the strategic and policy objectives. It should bring benefits, outlined below, compared with Option 1 (Do-nothing).

138. Option 2 intends to improve the relationship between CSPs and PCCs through more regular and consistent sharing of strategic assessments and involvement with the ASB Case Review process to better align crime reduction at a local level and improve the accountability structure of CSPs. It will ensure victims concerns are addressed appropriately and consistently at a national level and allow for recommendations to be made by PCCs regularly on the appropriate procedures to follow to meet national objectives. The mandatory publication of strategic assessments will allow for public

perceptions and awareness of CSPs to improve through increased transparency, and in turn help to improve perceptions on crime reduction efforts.

139. Without the reform, the PCCs will continue to have no formal oversight into the local strategies CSPs use to deal with ASB and have no power to steer the direction of CSPs strategies to align with the national aims set out in the ASB Action Plan<sup>67</sup>, published on 27 March 2023.
140. The legislation is expected to be implemented directly after Royal Assent with a grace period of up to 12 months due to the annual timeline of CSP strategic assessments.

#### **Non-regulatory option considered**

141. A non-regulatory option that was considered is updating CSP guidance in line with the changes in the proposed legislative proposal. This would suggest best practice is for CSPs to share strategic assessments with their PCC and to work together to formulate and implement recommendations where improvements can be made. This option will lack the strength of a legislative change and, with current levels of CSP engagement, would be hard to implement. This non-regulatory option was discounted due to it being unlikely to meet the strategic objectives.
142. Another non-regulatory option that was considered was updating the ASB statutory guidance<sup>68</sup>. The guidance already contains options for what PCCs can do to be involved in the ASB Case Review but as these are not legislated, there is no requirement for PCCs to carry these out. This option alone does not strengthen the PCC role in ASB and means that the service that victims receive when raising the ASB Case Review will vary from area to area. This is also the issue with only updating guidance outlining that CSPs can share local ASB strategy and data with PCCs as without a mandatory requirement for CSPs to do so, areas across England and Wales will differ greatly in their approach to dealing with ASB.

#### **Knife Crime**

143. The Home Office is proposing to introduce legislative measures to provide the police with more tools to enable them to disrupt knife possession and prevent knife crime.
  - **Option 1: 'Do nothing'**. This would entail no further government intervention to restrict sales of knives or toughen the criminal justice system response to knife crime.
  - **Option 2: Implement the measures requiring changes to primary legislation to deal with knife crime**, detailed above under section A.5.4 'Consultation'. **This is the government's preferred option as it meets the strategic and policy objectives.**

#### **Preferred option and implementation date**

It is the government's preferred option to legislate on the measures detailed under section A.5.4 'Consultation' to achieve its objective of protecting public safety by providing the police and the wider criminal justice system with the powers required to disrupt knife possession and prevent and deal with knife crime.

## **E. Appraisal**

#### **General assumptions and data for all measures**

144. Assumptions which apply to the appraisal of all measures in this IA are as follows:
  - The appraisal period for measuring the impacts of the proposed new legislation is 10 years.

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<sup>67</sup> ASB Action Plan: <https://www.gov.uk/government/publications/anti-social-behaviour-action-plan>

<sup>68</sup> ASB Statutory guidance:

<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

- The appraisal period starts in 2024/25.
- A 3.5 per cent annual social discount rate is used<sup>69</sup>.
- 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

145. 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 Readingsoft<sup>70</sup> calculator is used in calculating familiarisation costs.
- Labour cost estimates are derived from the Annual Survey of Hours and Earnings (ASHE)<sup>71</sup>
- 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))*

## E.1 Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs

### General assumptions and data

146. In its simplest form, the modelling compares the impact of expanding DToA to specified Class B and Class C drugs to only testing for Class A drugs. This expansion includes additional trigger offences to cover specified Class B/C drugs<sup>72</sup>, which means that volumes for drug testing are expected to increase under Option 2.

147. This legislation is likely to lead to an increase in non-trigger offence testing, largely due to the addition of cannabis in testing, which is the most commonly consumed illicit drug, with symptoms of use well known to the police.

148. The increases in testing for the two reasons listed above mean that the model estimates a gradual increase to a "steady state" of tests reached in year three under Option 2.

149. The model assumes 39 (of 43) police forces will carry out drug testing, based on the current number of police forces carrying out DToA or who may start DToA. This legislation is not expected to change the number of police forces accepting Government funding that is currently available.

150. It is assumed there is a polydrug use of 36 per cent, referring to the share of arrested drug users who use multiple drugs. This figure comes from the Dame Carol Black Review<sup>73</sup>, and was used because cannabis is used significantly more than any other Class B or C drug<sup>74</sup>. This figure was used to model the impact of positive test rates as explained further in paragraphs 175-180<sup>75</sup>.

<sup>69</sup> 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>

<sup>70</sup> The speed at which officers are assumed to read the guidance is taken from: <http://www.readingsoft.com/>

<sup>71</sup> Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

<sup>72</sup> This covers production, supply, possession and possession with intent to supply. Trigger offence expansions outside of these will be covered in a separate Impact Assessment for future planned legislation and are excluded from this appraisal.

<sup>73</sup> Dame Carol Black Review evidence pack, page 82, PowerPoint Presentation (publishing.service.gov.uk), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/882953/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882953/Review_of_Drugs_Evidence_Pack.pdf)

<sup>74</sup> Drug misuse in England and Wales - Office for National Statistics (ons.gov.uk), <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/drugmisuseinenglandandwales/yearendingjune2022#overall-trends-in-drug-misuse>

<sup>75</sup> 20 Dame Carol black review (see footnote 20, p8)



151. It is assumed that 40 per cent of those arrested consume cannabis<sup>76</sup>. This also impacts the rate of positive tests, as explained further in paragraphs 175-180. The positive rate will therefore increase from both the increase in volumes of drug tests and the increase in drugs tested for.
152. Data sources used in modelling the IA:
1. DToA MI (management information, unpublished) data
  2. Arrests open-source data<sup>77</sup>
  3. Police Recorded Crime (PRC) outcomes by offence data<sup>78</sup>
  4. MoJ criminal justice statistics<sup>79</sup>
  5. Drug treatment and misuse statistics<sup>80</sup>
153. It has been assumed a range of one to five<sup>81</sup> senior officers per force<sup>82</sup> will need to read and understand the changes across the 39 police force areas conducting DToA.
154. It is also assumed a range of 1,600 to 10,600 lawyers/solicitors will need to read and understand the legislation changes. The central estimate is based on the number of criminal legal aid providers across all crime areas offices<sup>83</sup> and the low estimate is based on all 'lower crime' provider offices such as police station advice and Magistrates' Courts<sup>84</sup>. The low and central assume one lawyer per legal aid and high estimate assumes two lawyers from each legal provider<sup>85</sup>.

### Calculating the estimated volumes for the baseline and Option 2.

155. The baseline for the volume of DToA assumes drug testing for all Class A drugs<sup>86</sup>. The volumes of drug testing in the baseline range between 73,000 and 89,000 tests, with a central estimate of 84,000.
156. To estimate the additional number of tests as a result of the expansion under Option 2, the model uses **PRC outcomes data** to estimate arrest numbers. In the absence of more granular data on arrests by the specific types of offences, charge data was used to estimate the additional arrests per crime type and to model the increase in specific trigger offences, explained below.
157. Charge figures alone would under-estimate the number of arrests for the relevant offences. Therefore, a multiplier of 1.25 was calculated from the ratio of arrests<sup>87</sup> to total charges for drug offences (listed in Table 2 below).
158. The next step was to multiply the additional arrests by the **proportion of drug tests to total drug arrests**. Between 2015 and 2022, the data show that on average, there is one drug test for every two Class A related drug arrests.

<sup>76</sup> The Arrestee Survey 2003 – 2006 (stir.ac.uk), <http://drugslibrary.wordpress.stir.ac.uk/files/2017/07/hosb1207.pdf>

<sup>77</sup> Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2021 second edition - GOV.UK: <https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021>

<sup>78</sup> Police recorded crime and outcomes open data tables - GOV.UK: <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>79</sup> Criminal Justice System statistics quarterly: December 2022 - GOV.UK: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>

<sup>80</sup> Substance misuse treatment for adults: statistics 2021 to 2022 - GOV.UK: <https://www.gov.uk/government/statistics/substance-misuse-treatment-for-adults-statistics-2021-to-2022>

<sup>81</sup> This is an internal HO estimate in the absence of any other evidence of how many officers would need to read the change.

<sup>82</sup> A Senior Officer is an officer who leads a team of officers within a force. Senior police officer includes ranks Inspector, Chief Inspector and Superintendent.

<sup>83</sup> The number of legal aid provider offices across all crime areas for 2020-21. Available at: <https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2021>

<sup>84</sup> This data comes from table 9\_1 at: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-april-to-june-2022>

<sup>85</sup> The high estimate is twice the central estimate.

<sup>86</sup> This was presented in a previous Impact Assessment for the legislation to increase DToA from testing for solely opiates and cocaine to all Class A drugs Criminal Justice (Specified Class A Drugs) Order 2023, The Criminal Justice (Specified Class A Drugs) Order 2023 - Impact Assessment (legislation.gov.uk), <https://www.legislation.gov.uk/ukxi/2023/784/impacts/2023/83>

<sup>87</sup> Arrests - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk), <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/number-of-arrests/latest#download-the-data>

159. The PRC offence data and the multiplier calculated are used to estimate the total number of arrests for Class B and Class C drug offences. These are then multiplied by 50 per cent to give the estimated number of drug tests for Class B and Class C trigger offences, shown in Table 3 below.

**Table 2, Total number of charges and arrests with estimated multiplier, 2023**

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
<b>Multiplier</b>	<b>1.34</b>	<b>1.29</b>	<b>1.24</b>	<b>1.25</b>	<b>1.26</b>	<b>1.20</b>	<b>1.24</b>
Estimated number of drug tests from a Class B/C offence	25,148	25,398	23,310	20,348	22,696	16,646	15,892

Source: PRC outcomes data, arrests open data and Home office, 2023

160. The average percentage increase in estimated DToA between 2015 and 2019 is 42 per cent, with a high of 51 per cent and a low of 36 per cent. These are applied to the baseline to estimate the increase in DToA volumes (Table 3), giving the new volumes of DToA after trigger and non-trigger offences have increased. It is assumed that in Option 2 it will take three years to reach business as usual volumes of DToA (steady state). The baseline volumes from year one onwards is expected to range between 73,000 and 89,000 with a central estimate of 84,000.

**Table 3: The estimated number of tests per year:**

Total Tests	Option 2 Estimates		
	Low Estimate	Central Estimate	High Estimate
Year 1	85,500	102,600	116,100
Year 2	90,250	108,300	122,550
Steady State	95,000	114,000	129,000

Source: Home Office, initial estimates (July 2023). Estimates rounded to the nearest 50.

## **COSTS**

### **Set-up costs**

#### **Set-up cost 1: Familiarisation costs to police officers and lawyers**

161. Total familiarisation costs are estimated to be within a range of **£930 to £47,100** with a central estimate of **£8,100** in year one only.

#### **Set-up cost 2: Capital Investment - Drug testing machines**

162. Following expansion of drug testing to specified Class B and Class C drugs, police forces may have to purchase new drug testing machines to test for the additional substances. Based on industry information, each drug testing machine is assumed to have a unit cost of £900. Optimism bias of 50 per cent was applied to give estimated unit value of £1,350.

163. Home Office drug testing purchasing figures were used to estimate how many drugs testing machines each police force would need to purchase. It is assumed that each force would require 2 to 10 drug testing machines, with a central estimate of 6 machines. The equipment has an assumed lifespan of approximately seven years (based on the average life of industrial printers), therefore the equipment would need to be replaced every seven years. The costs of drug testing machines are therefore accrued in the first and eighth year of the appraisal and have been discounted as per Green Book guidance<sup>88</sup>.

<sup>88</sup> The Green Book (2022) - GOV.UK (www.gov.uk): <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#valuation-of-costs-and-benefits>

164. The number of drug printing machines per police force was multiplied by the unit cost to get a per police force capital cost. This figure was multiplied by 39 (forces) to get the capital investment cost for whole of England and Wales:

$$\text{number of machines per police force} \times \text{£1350 (unit cost per machine)} \times 39 \text{ (number of police forces conducting DToA)}.$$

165. Table 4 summarises the preceding calculations.

**Table 4, total capital investment costs, £, year 1 and 8, 2024/25.**

Scenario	Machines per PF	Cost per PF	Cost for total (39) PFs
Low	2	2,700	105,300
Central	6	8,100	315,900
High	10	13,500	526,500

Source: Home office, 2023

### Total Drug testing machine cost

166. Total drug testing machine capital costs are estimated to lie in a range of **£188,000 to £940,000** with a central estimate of **£564,000** over 10 years, in 2024/25 prices, present value.

### Set-up cost 3: Training costs for police officers

167. In order for the police to understand, enforce and collect drug testing data for testing for specified Class B and Class C drugs effectively, officers will need to undertake training. These costs are associated with courses to learn how to use the new equipment and process the drug testing data.

168. Police workforce data<sup>89</sup> has been used to estimate the number of custody officers per police force. Data for the 39 out of 43 police forces in England and Wales which are conducting DToA and expand to specified Class B and Class C drugs was used to calculate the lower quartile, median and upper quartile of custody officers.

169. The training costs represent the minimum amount of training sessions required in each scenario. The values used to estimate the police training cost are presented in Table 5 and calculated as: Number of custody officers per police force / 12<sup>90</sup> = number of sessions required

$$\text{Cost per training course} \times \text{Number of training sessions required per police force} \times 39$$

**Table 5: Police training cost calculations, £, 2024/25 prices**

	Cost per training course (£)	Officers requiring training	No. sessions required	Rounded (up due to spaces)	Total cost per police force (£)	Cost for all 39 police forces (£)
Low	360	29	2.5	3	1,080	42,000
Central	360	46	3.8	4	1,440	56,000
High	360	61	5.1	6	2,160	84,000

\*Rounded upwards to account for all police officers to attend a training session

\*\* rounded to the nearest thousands

Source: Home Office estimates, 2023.

### Total training costs

170. Total training costs are estimated to lie in a range of **£42,000 to £84,000** with a central estimate of **£56,000** in year one only, in 2024/25 prices.

<sup>89</sup> Police workforce, England and Wales: 31 March 2022 - GOV.UK: <https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2022/police-workforce-england-and-wales-31-march-2022>

<sup>90</sup> Because the paid training classes only allow 12 participants per session.

#### Set-up cost 4: Prison places set-up cost

171. Expansion of DToA to specified Class B and Class C drugs may cause a need for additional prison places. Refusal to take a drug test or failure to attend, or stay for the duration of the initial and/or follow up assessment are offences<sup>91</sup> may result in a custodial sentence (see paragraphs 190-194).
172. There is a one-off £250,000 cost for an additional prison place associated to the policy change. This is adjusted for prison sentence length, which is on average one month with half of the sentence spent on licence, meaning that time in prison will be on average, two weeks. There is more detail on how this legislation impacts the CJS in paragraphs 190-208.

#### Total set-up costs

173. The monetised set-up costs are based on familiarisation costs, drug testing equipment, training costs and prison places. These overall estimates are presented in Table 6.

**Table 6, Estimated Breakdown of Set-up costs\*, £000's, 2024/25**

Scenario	Familiarisation	Drug testing equipment	Training*	Prison places	Total set-up costs
Low	1	188	42	400	631
Central	8	564	56	525	1,154
High	47	940	84	625	1,700

\* Rounded to the nearest thousand pounds

Source: Home Office estimates, 2023.

174. The total set-up costs are estimated to be within a range of **£631,000** and **£1.7 million** with a central estimate of **£1.15 million** in year one (and eight for the drug testing machines replacement).

#### Ongoing and total costs (Private and Public)

175. The ongoing costs are categorised into two sub-sections: drug testing and criminal justice system costs. Drug testing costs are direct costs to police associated with DToA (custody testing, police time and laboratory testing). The MoJ costs are all the costs associated with the CJS.
176. To model the expansion of DToA, the expected increase in the volume of positive tests needs to be estimated. The number of positive tests will increase as there is an increased number of tests conducted along with testing for a wider range of drugs. For instance, someone who previously was tested for cocaine and opiates may have returned a negative test for those drugs but could now test positive for cannabis.
177. Significant assumptions in estimating the change in the positive rate include:
- Increased testing to all<sup>92</sup> Class B and Class C drugs would lead to an increase in the rate of positive tests from drug testing.
  - 59 per cent of current DToA return a positive result.
  - Polydrug use is common, especially for problematic drug users, (calculated to be 36 per cent in the Dame Carol Black review for cannabis).
  - 40 per cent of people that are arrested that consume drugs, consume cannabis<sup>93</sup>.
178. The first step is to calculate the increase in positive drug tests from the increase in tests conducted due to the additional drug related trigger offences. This is done by applying the same 59 per cent positive rate as the baseline to the additional tests.

<sup>91</sup> The three non-compliance offences are 19348 - Failure to provide a sample, 19353 - Failure to attend or stay for the duration of an initial assessment following test for Class A drug and 19354 - Failure to attend or stay for the duration of a follow up assessment following test for Class A drug.

<sup>92</sup> Although the legislation covers specified drugs, there are no data providing separate figures for the individual Class B or C drugs that are consumed. Therefore, the modelling had to assume that all Class B and C drugs would be tested for. This should not impact the outputs too greatly, as cannabis and ketamine take up a considerable amount of all Class B/C drugs consumed.

<sup>93</sup> The Arrestee Survey 2003 – 2006 (stir.ac.uk), <http://drugslibrary.wordpress.stir.ac.uk/files/2017/07/hosb1207.pdf>

**Table 7: Number of tests and positive results due to increased test volumes for Option 2.**

Baseline DToA test volumes	Baseline numbers of positive tests (59%)	Increased DToA volumes from B/Cs expansion	Increased number of positive tests from B/C expansion
73,000	43,178	95,000	56,000
84,000	49,684	114,000	67,000
89,000	52,642	129,000	76,000

Source: Home office, 2023

179. To estimate the increase in positive test rates, the model estimates the ratio between Class A users and Class B and Class C drug users. To find the proportional increase in positive tests, 41 per cent of cannabis users<sup>94</sup> is multiplied by the proportion of non-polydrug users (1 – 36 per cent). This gives the increase in positive drug rate. Proportion of arrestees that consume cannabis x proportion of non-cannabis users = percentage increase in positive rate. 41 per cent x (1 – 36 per cent) = 26.2 per cent
180. Applying the 26.2 per cent to the final column in Table 7 figures above to calculate the total increase in positive tests from the legislation in Table 8 below.

**Table 8: The final number of tests and positive results with the additional increase in testing for specified Class B and C drugs.**

Increase DToA volumes from B/Cs expansion	Increased number of positive tests at the 59% positive rate but with higher volume of tests	Increase (26.2%) in positive tests from testing for more drugs	Total proportion of positive tests for DToA after legislation
95,000	56,000	71,000	75%
114,000	67,000	85,000	75%
129,000	76,000	96,000	75%

Source: Home office, 2023

181. The total increase in positive tests are expected to be in a range between **71,000 and 96,000** with a central estimate of **85,000** in steady state.

### **Ongoing cost 1: Drug testing costs – custody testing and police time**

182. The drug testing costs consist of equipment costs, drug testing kits, police time and laboratory tests, and the model uses a price list of goods associated with drug testing. The price per drug test is £22.94 in 2024/25 prices including a 20 per cent optimism bias, which was applied to the unit price of the drug testing kit. Optimism bias was applied as there is uncertainty with the cost of drug testing kits that test for class B and C drugs. There is also a yearly maintenance fee, which costs £126 per machine per police force.
183. Using the predicted number of drug tests conducted (Table 8), the unit cost per test is then multiplied by the predicted number of tests. This gives the yearly equipment cost of DToA. In addition to the unit costs, police time per test was calculated. From discussions with police forces, it was found that police time per test ranges from 10 to 30 minutes, with a central estimate of 20 minutes. The value of police time is based on the average wage for a detention officer and custody suite officer<sup>95</sup>, uplifted by 22% for non-wage labour costs. This gives an average cost per hour of £18.22.

<sup>94</sup> Used as a proxy for Class B and C drugs in the absence of more specific data on overall Class B and C drug use, from the arrestee survey, The Arrestee Survey 2003 – 2006 (stir.ac.uk): <http://drugslibrary.wordpress.stir.ac.uk/files/2017/07/hosb1207.pdf>

<sup>95</sup> Sourced from discussions with police forces conducted DToA

184. The total costs for Option 2 were taken away from the baseline costs to estimate the additional costs of legislation which are presented in Table 9.

**Table 9: Estimated drug testing and maintenance costs, £000's, (PV), 2024/25**

Scenario	Appraisal Year										Total
	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	
Low	468	547	621	600	580	560	541	523	505	488	5,435
Central	689	800	902	871	842	813	786	759	733	709	7,903
High	1,002	1,141	1,269	1,226	1,184	1,144	1,106	1,068	1,032	997	11,169

Source: Home office, 2023

Rounded and figures in thousands, costs are discounted.

185. The total drug tests and police time costs range between **£5.4 million and £11.2 million** with a central estimate of **£7.9 million** (PV) over a 10-year period.

### Ongoing cost 2: Laboratory testing

186. Individuals have a right to get their drug sample re-tested by the laboratory if they do not agree with the result. The tests can confirm the type of drug that was detected, as some drugs will be taken for medical use (for example, DToA might show up as an opiate but some individual may take specific opiates as medication). The price per laboratory test is £10.50 and this includes confirmation and failed sample pricing (also paid for by police forces). It is assumed that the unit price will be same for the baseline and expansion, and that there will be an increase in positive tests from the legislation.

187. Looking at laboratory confirmatory unpublished data from 2019 to 2023<sup>96</sup>, it is estimated that 10 per cent of all positive tests over the time period are sent to a confirmatory laboratory. Thus, to calculate the additional costs, the baseline number of positive tests is subtracted from the yearly estimated number of positive tests under Option 2 to show the number of additional positive tests, which is then multiplied by 10 per cent. This yearly number of additional laboratory tests is then multiplied by the unit cost of the laboratory test (£10.50).

**Table 10: Additional lab testing costs over the 10-year appraisal period, £000's, (PV), 2024/25**

Scenario	Appraisal Year										Total
	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	
Low	10	13	16	16	15	15	14	14	13	13	138
Central	15	18	22	21	21	20	19	19	18	17	189
High	21	25	29	28	27	26	26	25	24	23	255

Rounded and figures, costs are discounted, and it is the reason why they diminish in the time period.

Source: Home Office estimates, 2023

### Total laboratory costs

188. Total laboratory costs range between **£138,000 and £255,000**, with a central estimate of **£189,000** over 10 years (PV).

### Total drug testing ongoing costs

189. The total ongoing drug testing costs range between **£5.57 million and £11.42 million**, with a central estimate of **£8.09 million** (PV) over 10 years.

### Ongoing cost 3: CJS costs – Legal aid and courts cost

190. There are a number of ongoing costs associated with the CJS. This includes legal aid, court, and prison costs. These are included in the model as there are three offences that are associated with DToA. Committing any of these offences can lead to a prosecution, being taken to court, and may lead to a custodial sentence or a penalty notice outcome.

<sup>96</sup> Unpublished data from the drug testing equipment supplier

191. The model assumes that a rise in non-compliance offences is linked to the increase in positive tests, as individuals may be more likely to refuse a drug test if they think they may return a positive test. An explanation of how the number of positive tests is calculated is in paragraphs 175-180. The model assumes a share of positive results are related to a prosecution. Using historical prosecutions data between 2017 and 2022, the proportion of prosecutions to positive tests is, on average, around four per cent<sup>97</sup>. However, there is uncertainty around the relationship between drug testing and non-compliance, therefore the model uses a range to account for the uncertainty of impact upon prosecutions.
192. The formula used: Annual predicted number of DToA x 59 per cent (percentage of positive tests) x (1+ 26.2 per cent increase in positive tests) x 3.8 per cent (the average proportion of prosecutions to positive tests). In numbers: 114,000 x 59.1 per cent x (1+26.2%) x 3.8 per cent = 3,246<sup>98</sup>
193. The low, central, and high figures for the prosecution volumes are in Table 11 below.

**Table 11, Estimated prosecution volumes**

<b>Scenario</b>	<b>Baseline</b>	<b>Expansion (in a steady state)</b>	<b>Net Increase</b>
<b>Low</b>	1,647	2,705	1,058
<b>Central</b>	1,895	3,246	1,351
<b>High</b>	2,007	3,673	1,666

Source: Home Office, own estimates, 2023.

194. Data from MoJ criminal justice system statistics, 2017 to 2022,<sup>99</sup> indicates that 100 per cent of cases for all three offences go to a Magistrates' Court first, with only one per cent of these cases going onto the Crown Court. These proportions were applied to the numbers of prosecutions, but the one per cent to the Crown Court was only applied to the high estimate.

### **Legal aid**

195. The estimated prosecution volumes were used to estimate the number of offenders requiring legal aid and costs for a Magistrates' Court and the Crown Court. The eligibility rate or take up rate in each court were obtained from engagement with MoJ and Legal Aid Agency officials.
196. The MoJ Legal Aid team informed the Home Office that 55 per cent of offenders are eligible in Magistrates' Court cases and 100 per cent in the Crown Court case for legal aid. It is estimated that legal aid cost per eligible offender is £540 at a Magistrates' Court and £5,622 at the Crown Court in 2024/25 prices, including 20 per cent optimism bias. These figures are related to all drug offences.
197. To calculate legal aid volumes, estimated legal aid take up rates were applied to the estimated number of prosecutions per court.
198. For the low estimate, it is assumed that there is no Crown Court impact. For the central and high estimate, it is assumed that all prosecutions cases will go to a Magistrates' Court and only in the high estimate a further one per cent of cases will go to the Crown Court.

<sup>97</sup> For the baseline and expansion prosecutions volumes, MoJ criminal courts data from 2017 to 2022 was used.

<sup>98</sup> Figures may not be exact due to rounding

<sup>99</sup> Criminal Justice System statistics quarterly: June 2022 - GOV.UK., <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

**Table 12, Estimated legal aid increase in yearly volumes and total costs over the appraisal period, £m, 2023**

Scenario		Yearly increase <sup>100</sup> in people eligible for legal aid	Total additional 10-year costs*
Low	Magistrates' Court	582	2.59
	Crown Court	0	
Central	Magistrates' Court	743	3.31
	Crown Court	0	
High	Magistrates' Court	916	4.84
	Crown Court	16	

\* Rounded to the nearest thousand pounds  
Source: Home Office, own estimates, 2023.

199. Estimated net legal aid costs over the 10-year appraisal period lies within a range of **£2.59 million to £4.84 million** with a central estimate of **£3.31 million** (PV).

#### Court costs

200. Prosecution volumes are used to estimate the cost of the case going to the Magistrates' and Crown Courts..

**Table 13: Total court costs over 10-year appraisal period, £m (PV)**

	Total additional court costs over 10 years
Low	3.57
Central	4.56
High	6.01

Source: Home office 2023

#### Total court costs

201. The total additional legal aid and court costs are estimated to range between **£6.16 million and £10.85 million**, with a central estimate of **£7.87 million**.

#### Ongoing cost 4: Prison costs

202. The prosecution volumes (Table 11) have also been used to estimate additional custodial places and the associated ongoing prison costs. Criminal Justice System data was used to calculate the estimated volumes of each sentencing outcome. Data from 2017 to 2022 shows that on average 58 baseline offenders are sentenced to a custodial sentence a year for all three offences related to refusing a drug test or not attending an assessment. Only additional custodial sentences as a sentencing outcome have been included in on-going costs. Other sentencing outcomes such as court fines are treated as an economic transfer and have not been included.

203. Of the annual additional prosecutions, which average around 1,300 (based on 2017 to 2022 data), a proportion of people from each of the three offences are sentenced to custody<sup>101</sup>. These proportions were applied to the expected increase in prosecutions from the expansion and the estimated increase in custody sentences are laid out in Table 14 below. The increase in custodial sentences from legislation is estimated to range between 49 to 76 with central estimate of 62 custodial sentences.

<sup>100</sup> Yearly increase from steady state which is reached in year three

<sup>101</sup> They are as follows: 1.7 per cent of yearly average prosecutions result in a custodial sentence for 'failure to provide a sample', 2.1 per cent of 'failure to attend or stay for the duration of an initial assessment following test for Class A drug' and 0.8 per cent of 'failure to attend or stay for the duration of a follow up assessment following test for Class A drug' cases led to a custodial sentence.



**Table 14: Estimated additional yearly custody sentences<sup>102</sup> between 2026/27 to 2033/34**

Failure to:	Provide a sample	Attend or stay at an initial assessment	Attend or stay for a follow up assessment	Total Custody sentences
Low	18	23	8	49
Central	23	28	11	62
High	28	35	13	76

Source: Home Office, own estimates, 2023.

204. Sentencing data for each type of offence were used to estimate a weighted average sentence length of each offence (0.8 months). Assuming 50 per cent of each sentence is served inside gives an average time spent in prison of 0.4 months, which is multiplied by the total number of custodial sentences to give a total number of 1.6 – 2.5 prison places per year, with a central estimate of 2.1.

### Total prisoner costs

205. Estimated net prisoner costs over the 10-year appraisal period lies within a range of **£480,000 to £1,068,000** with a central estimate of **£816,000** in 2024/25 prices.

### Court fines: Economic transfer

206. Courts fines as a sentencing outcome are treated as an economic transfer, and are not included in the NPSV<sup>103</sup>.

### Total CJS costs

207. Table 15 provides a full breakdown of all increases in CJS ongoing costs and total for the low, central, and high estimates over the appraisal period.

**Table 15: Estimated breakdown of net MoJ ongoing costs, £m, PV, 2024/25**

Scenario	Legal aid	Courts	Prisons	Total MoJ Costs
Low	2.59	3.57	0.48	6.64
Central	3.31	4.56	0.82	8.69
High	4.84	6.01	1.07	11.92

Rounded to the nearest thousand pounds  
Source: Home Office, own estimates, 2023.

208. Estimated CJS costs over the 10-year appraisal period lies within a range of **£6.64 million to £11.92 million** with a central estimate of **£8.69 million (PV)**.

### Total ongoing costs

209. The total drug testing costs which include custody testing, police time and laboratory testing can be summed with total CJS costs which includes legal aid, court, and prisoner costs. This can be shown in Table 16 below

**Table 16, Estimated total ongoing costs\*, £m, PV, 2024/25**

Scenario	Drug testing costs	MoJ costs	Total ongoing cost
Low	5.57	6.64	12.21
Central	8.09	8.69	16.78
High	11.42	11.92	23.35

\*Rounded to the nearest thousand pounds, costs may not add up due to rounding  
Source: Home Office, own estimates, 2023.

<sup>102</sup> The number of individuals sentenced each year from year three onwards when the number of DToA reaches the steady state. Years one and two have slightly lower numbers due to the expectation that police forces will increase DToA over time before reaching a steady state in year three.

<sup>103</sup> The Green Book (2022) - GOV.UK (www.gov.uk), section 6.3 (economic transfers):

<https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#valuation-of-costs-and-benefits>

210. The total estimated ongoing costs range between **£12.21 million and £23.35 million**, with a central estimate of **£16.78 million** over 10 years (PV).

### Total monetised costs

211. The total set up costs and total ongoing costs can be summed together to get total monetised costs for the DToA expansion to specified Class B and C drugs. This shown in Table 17 below.

**Table 17: Estimated total costs over the appraisal period, £m, 2024/25**

Scenario	Total set-up costs	Total ongoing costs	Total Cost
Low	0.63	12.21	12.84
Central	1.15	16.78	17.93
High	1.70	23.35	25.04

Rounded to the nearest thousand pounds, figures may not add due to rounding  
Source: Home Office, own estimates, 2023.

212. The total estimated total costs range between **£12.84 million and £25.04 million**, with a central estimate of **£17.93 million** over 10 years (PV).

### Non-monetised costs

213. Several non-monetised costs have been identified for the policy expansion. These are non-monetised costs as there is insufficient data to quantify.

#### Non-monetised cost 1: Commercial process for additional drug testing equipment

214. The current drug testing equipment does not cover drug testing for specified Class B and C drugs. Commercial processes would need to take place to identify additional drug testing equipment which can test for specified Class B and Class C drugs. The Home Office does not manage this process and is unable to provide estimated costs of this process. This becomes a non-monetised cost, and it is expected that this cost will be minimal.

#### Non-monetised cost 2: Additional drug treatment costs

215. There are other non-monetised costs relating additional drug treatment, for example, increased strain on treatment services and longer waiting times. However, there are attempts to mitigate these problems: there is cross-departmental collaboration with the DLUHC and DHSC to ensure additional resources and funding can be allocated to reduce strain on drug treatment and other corresponding social services.

#### Non-monetised cost 3: Additional caseload by police officers

216. The police officer handles an individual's arrest offence (such as the trigger offence), then conducts and processes the DToA. If required, the test may go to the laboratory for confirmatory analysis. Additional caseload may arise if the individual commits a DToA non-compliance offence such as refusing to take the drug test. The police officer may need to spend additional time processing this new offence alongside any other offence(s) to allow all this information to go through the CJS. It is expected that the cost associated to increase caseload would be negligible.

## BENEFITS

### Ongoing and total benefits (Private and Public)

217. There is evidence to suggest that drug treatment leads to many social and economic benefits<sup>104</sup>. Substance use treatment plays a key role in addressing drug use and related harms and criminality<sup>105</sup>. Research linking treatment and CJS data systems has demonstrated that treatment

<sup>104</sup> Alcohol and drug prevention, treatment and recovery: why invest? - GOV.UK ([www.gov.uk](https://www.gov.uk/government/publications/alcohol-and-drug-prevention-treatment-and-recovery-why-invest/alcohol-and-drug-prevention-treatment-and-recovery-why-invest)): <https://www.gov.uk/government/publications/alcohol-and-drug-prevention-treatment-and-recovery-why-invest/alcohol-and-drug-prevention-treatment-and-recovery-why-invest>

<sup>105</sup> Summary of key findings from the Drug Treatment Outcomes Research Study (DTORS) ([publishing.service.gov.uk](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/116599/horr23.pdf)): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/116599/horr23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/116599/horr23.pdf)

can reduce offending by almost a quarter, while opiate users who successfully complete treatment reduce their offending by almost 40 per cent<sup>106</sup>. MoJ analysis of the impacts of community-based drug and alcohol treatment found that such treatments could reduce reoffending by up to a third<sup>107</sup>.

218. The logic behind the mechanism through which the benefits will be achieved is laid out in the following steps:

- a. A proportion of people who have committed specific crimes are drug tested.
- b. Of those people that have been drug tested, a proportion of those people test positive.
- c. The people that have tested positive will have an initial assessment and may also be required to attend a follow-up assessment with a treatment provider.
- d. Of those assessed, a proportion will enter specialist drug treatment (residential / in-patient rehabilitation care).
- e. After three months of treatment, those that result in successful treatment may lead to monetized social and economic benefits.
- f. Of those people that have entered specialist treatment, 49 per cent complete treatment successfully<sup>108</sup>.

219. As this legislation is to expand drug testing to include specified Class B and Class C drugs, the additional benefit will start from the increased positive tests. Therefore, using the theory above, the monetised benefits were calculated in the following steps:

- a. Calculate the number of new tests and new positive tests (explained in paragraphs 155-160 and 175-180).
- b. Take away the baseline number of positive tests from the number of positive tests for the legislation in Option 2 to find the additional number of positive tests.
- c. Multiply the additional number positive tests by the proportion of referrals that are assessed and diverted towards help (not all necessarily diverted to treatment). This figure from a drug treatment provider came to 64 per cent (MI data shared from a service provider).
- d. Of those referred to further support, 11 per cent of them will be diverted to a specialist treatment, (this is used from the drug misuse treatment data 2021/22).
- e. 11 per cent accounts for cannabis, amphetamine and benzodiazepines drug treatment with cannabis making up nine per cent.
- f. Of this 11 per cent cohort, only 3 per cent are in tier 3 and 4 treatments (specialist treatment), this is because this largely consists of opiate and crack users<sup>109</sup>.
- g. 49 per cent of these people will complete successful treatment (from drug misuse treatment figures)<sup>110</sup>

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<sup>106</sup> Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks (publishing.service.gov.uk), slide 92:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/882953/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882953/Review_of_Drugs_Evidence_Pack.pdf)

<sup>107</sup> The impact of community-based drug and alcohol treatment on re-offending (publishing.service.gov.uk): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/674858/PHE-MoJ-experimental-MoJ-publication-version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674858/PHE-MoJ-experimental-MoJ-publication-version.pdf)

<sup>108</sup> Adult substance misuse treatment statistics 2021 to 2022: report - GOV.UK:

<https://www.gov.uk/government/statistics/substance-misuse-treatment-for-adults-statistics-2021-to-2022/adult-substance-misuse-treatment-statistics-2021-to-2022-report>

<sup>109</sup> Drug testing on arrest—who benefits? | Health & Justice | Full Text (biomedcentral.com), <https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-019-0103-z#:~:text=This%20paper%20assesses%20the%20impact%20of%20the%20introduction,semi-structured%20interviews%20with%20both%20clients%20and%20professionals.%20Results>

<sup>110</sup> Substance misuse treatment for adults: statistics 2021 to 2022 -

GOV.UK: <https://www.gov.uk/government/statistics/substance-misuse-treatment-for-adults-statistics-2021-to-2022>

- h. A three month lag is applied and with quarter of people shifted into the following year, this is to account for the time it takes for those that finish successful treatment to realise benefits.

**Table 18 below shows the estimated additional number of people that will complete successful drug treatment following expanding drug testing to specified Class B and C drugs.**

Scenario	Appraisal Year									
	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10
Low	21	31	36	37	37	37	37	37	37	37
Central	27	40	46	47	47	47	47	47	47	47
High	34	50	56	58	58	58	58	58	58	58

Source: Home office, 2023

220. Therefore, it is estimated that between 350 and 550 additional individuals will be identified for drug treatment and complete it successfully from this legislation, with a central estimate of 440 over the 10-year period.
221. The next step is to understand the unit value for individuals that have completed successful drug treatment. A literature review found evidence of a cost-benefit for drug treatment ratio of 1:2.5<sup>111</sup>. This means that for every £1 spent on drug treatment, there is an economic and social benefit of £2.50 (this is not a cash benefit). This economic and social benefit arises from better health outcomes and a reduction in reoffending from recovered drug users.
222. The paper was published in 2009 and therefore, the unit costs were inflated to the 2024/25 price year, the unit cost of drug treatment is calculated to be **£6,280** with a unit benefit of **£15,700**.
223. To find the gross benefit, the unit benefit (£15,700) was multiplied by the year number of individuals that completed successful treatment following a positive drug test. This total figure was subtracted by the yearly cost for all additional individuals that entered drug treatment from DToA (either successfully or unsuccessfully). Table 19 shows the totals:

**Table 19: Total net monetised benefit of expanding DToA to specified Class B and Class C drugs, £000's, (PV), 2024/25**

Net Benefit calculations	Appraisal Year										Total
	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	
Low Estimate	59	76	89	87	84	81	78	76	73	71	773
Central Estimate	71	98	114	108	104	100	97	94	91	87	964
High Estimate	88	123	129	134	129	125	121	117	113	109	1,187

Source: Home office, 2023

Figures are rounded to the nearest thousand

### Total net monetised benefit

224. The total net monetised benefit over the 10-year appraisal period is estimated to be between **£0.77 million and £1.19 million** with a central estimate of **£0.96 million**.

### Benefits: Non-monetised benefits

#### Benefit 1: Better understanding of geographical differences of drug use and criminality

225. By offering the additional funding to all police forces for DToA, the Home Office is addressing any geographical information disparities or any possible resource incompleteness. Some regions in the UK may be adversely affected by a particular Class B or Class C drug. Increased drug testing to

<sup>111</sup> Summary of key findings from the Drug Treatment Outcomes Research Study (DTORS) ([publishing.service.gov.uk](https://publishing.service.gov.uk)), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/116599/horr23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/116599/horr23.pdf)

specified Class Bs and Class Cs drugs may identify evidence issues within areas and aid police forces to focus on a certain issue.

### Benefit 2: Improved police practices

226. The expansion of DToA presents an opportunity for Home Office and police forces to better understand drug users committing crime whilst under the influence of drugs and they could learn best practices on how to deal with this cohort of people. This may lead to better informed decisions on future policy options from the Home Office and more efficient operations within police forces. The lessons learnt could be disseminated across the police forces. Additional innovation is beneficial as it could lead to cost savings in the future, sharing best practice amongst police forces and enabling more forces to expand if necessary.

### Benefit 3: Improved and wider data recording

227. A key ministerial aim is to understand the link between certain crimes and drug use. Police forces that are expanding DToA to specified Class B and Class C drugs will be required to record data and report monthly figures to the Home Office, resulting in a greater understanding of the links between different types of criminality and drug use. This could inform future decision making, leading to more effective legislative targeting, and towards the Home Office strategic aim of reducing crime<sup>112</sup>. Improvements to this data collection over time, along with the inclusion of a wider range of drug types, will inform policy makers and Ministers, and will continue to expand understanding of the various links between crime and drug use.

### NPSV, BNPV, EANDCB

**Table 20: Option 2 summary costs, benefits, NPSV, BNPV and EANDCB (£m PV) 10 years, 2023.**

Summary	Low	Central	High
<b>Costs</b>			
Total Set up Costs	0.63	1.15	1.70
Total Ongoing Costs	12.21	16.78	23.35
<b>Total Costs</b>	<b>12.84</b>	<b>17.93</b>	<b>25.04</b>
<b>Benefits</b>			
Ongoing Benefits	0.77	0.96	1.19
<b>Total Benefits</b>	<b>0.77</b>	<b>0.96</b>	<b>1.19</b>
<b>NPSV</b>	<b>-12.07</b>	<b>-16.97</b>	<b>-23.86</b>
<b>BNPV</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>EANDCB</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

\* Costs have been rounded and so may not add up  
Source: Home office, 2023

### Value for money (VfM)

228. Based on the evidence assessed in this IA, the preferred option, Option 2, is estimated to have a net present social value of **-£16.97 million** in the central case, with a range of **-£12.07 million to -£23.86 million** over 10 years.

229. The estimated social value of Option 2 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.

230. There are some additional non-monetised benefits of Option 2, 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 of Option 2 would outweigh the

<sup>112</sup> This is in the Home Office outcome delivery plan to reduce crime. Home Office Outcome Delivery Plan - GOV.UK (www.gov.uk): <https://www.gov.uk/government/publications/home-office-outcome-delivery-plan>

total costs and provide good value for money when implemented, and further analysis such as an evaluation would be required to ascertain this.

**Impact on small and micro-businesses**

231. Small and micro-businesses are unlikely to be disproportionately impacted by the implementation of Option 2. This is because there is only one company currently contracted to supply police forces with equipment to conduct drug testing on arrest.

**E.2 The Replacement of the Vagrancy Act 1824**

**General assumptions and data**

232. The assumed length of the new guidance<sup>113</sup> is based on part of the ASBCP 2014<sup>114</sup> specifically outlining the use of CPNs and Community Behaviour Orders (CBOs)<sup>115</sup>.

**COSTS**

**Set-up costs** (Private and Public), if applicable, normally year one only.

**Familiarisation costs - Begging**

233. The range of estimated costs vary between £53,000 and £1.0 million<sup>116</sup> with a central estimate of £0.4 million. The range of estimated time to read the guidance on screen per person was between 0.08 and 1.07 hours, with a central estimate of 0.45 hours<sup>117</sup>. The costs could be underestimated due to staff who are not officers reading the guidance (for example, administration staff) and the relationship between the size and number of officers required to read the guidance not being proportional in all forces.

**Table 21: Estimate of total number of police officers required to read the new guidance and time taken to read it in England and Wales, 2024/25**

Number of Police officers in all areas	25,791
<b>Total time taken by rank to read the document (on screen) in days</b>	
Central	484
High	1,150
Low	86

Source: Home Office, 2023

234. There may some costs associated with local authorities reading this guidance, but this cost was unmonetisable due to the absence of data surrounding the number and grades of local authority staff that will be reading this document. It is assumed that any costs in relation to this will not be significant.

**Training costs - organised begging**

<sup>113</sup> Estimates are based on the guidance consisting of 3000 - 9,000 words, with a central estimate of 6,500  
<sup>114</sup> This legislation was used as a proxy for the guidance of the new powers as the guidance has not yet been drafted and therefore don't know exactly how many pages it will be.  
<sup>115</sup> Only CPNs and CBOs were used as the new powers specific for begging (BPNs and BPOs) are expected to replicate those two ASB powers but are tailored to be specific for begging, which is why the department assumes the new guidance would be the same number of pages as one outlining the use of CPNs and CBOs.  
<sup>116</sup> Median gross hourly wage for Police and Senior Police officers taken from Table 14.5a Annual Survey of Hourly Earnings (ASHE), 2022 revised edition:  
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashetable14>  
<sup>117</sup> This was found by dividing the number of pages of the document by the various speeds (taken from: <http://www.readingsoft.com/>), which were 200 wpm, 300 wpm and 600 wpm respectively for the high, central and low estimate. Next, this was combined with re-read time (ranging between 0 to 8 minutes, with a central value of 1.81 minutes) and allowance time<sup>e</sup> for people with special needs (dyslexia) or where English is not their first language, to give the total time it would take to read the new guidance.

235. The new offence of the “facilitation of organised begging” is not in the current VA 1824<sup>118</sup>. Training may be required for police on recognising and dealing with this. However, costs are expected to be minimal as training will likely be included in established training days for police force areas<sup>119</sup>. There is currently no further information to model related costs.

### **Police time**

236. The opportunity cost to PCCs dealing with organised begging, is time they could spend dealing with other crime. This could have further effects on the wider CJS as with an additional offence, prioritisation will be required to ensure capacity requirements are met.

237. The new legislation will support the use of support services and positive requirements<sup>120</sup>. This could be an additional cost to time where documents need completing and court attendance is required. By prioritising positive requirements there could be a decrease in criminal route outcomes, leading to a reduction in the wider CJS resource required. There is insufficient data on these new changes to monetise the effect.

## **BENEFITS**

### **Ongoing and total benefits (Private and Public)**

#### **Fall in begging/homelessness would lead to a fall in unemployment rates**

238. Evidence<sup>121</sup> outlines that, “homeless people ... suffer from persistently low incomes, are workless, and reliant on welfare benefits.” With the new legislation there is potential for a fall in people begging/homeless. There is a positive correlation between homelessness and unemployment. Evidence suggests this is due to barriers such as a lack of stable housing preventing people from gaining and maintaining employment. This suggests if support offers reduce these barriers unemployment could fall. This could see a decrease in the amount being spent on welfare benefits. The scale of this impact would likely be minimal and on a local level.

#### **Fall in rough sleeping would lead to a fall in mental and physical health needs**

239. Evidence suggests<sup>122</sup> individuals who sleep rough experience some of the most severe health inequalities, including mental ill health, substance misuse, and physical health needs. The longer a person sleeps rough the greater the propensity to have mental health issues. With the introduction of positive requirements<sup>123</sup> and use of support services more people should be given the required help to stop rough sleeping. This could lead to less people experiencing severe mental and physical health issues and a fall in people having to seek medical attention. This is a benefit as it would relieve some pressure on the NHS, as well as provide support to give rough sleepers a better quality of life.

### **Less organised begging groups**

240. Another potential benefit is reduction in organised begging groups by deterrent effect. This could give police force areas insight to other criminal activity helping them to deal with organised criminal gangs.

### **Increase in footfall**

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<sup>118</sup> Although there are existing provisions which make it illegal to aid the commission of criminal offences (which under VA 1824 covered all forms of begging).

<sup>119</sup> Based on engagement with police forces

<sup>120</sup> Such as accepting treatment for drug misuse or accommodation offers

<sup>121</sup> Johnsen, S & Watts, B 2014, Homelessness and poverty: reviewing the links. Heriot-Watt University: [https://pure.hw.ac.uk/ws/portalfiles/portal/7467281/Homelessness\\_Poverty\\_FullReport.pdf](https://pure.hw.ac.uk/ws/portalfiles/portal/7467281/Homelessness_Poverty_FullReport.pdf)

<sup>122</sup> Health Matters: Rough sleeping - UK Health Security Agency: <https://ukhsa.blog.gov.uk/2019/09/30/health-matters-rough-sleeping/>

<sup>123</sup> Such as accepting treatment for drug misuse or accommodation offers.

241. Johnsen (2016)<sup>124</sup> outlines, “that rough sleeping and begging is intimidating for the public and/or damaging to local business and tourism.” Reducing the prevalence of rough sleeping and begging could result in increased footfall to businesses and tourism. This is a benefit as increased footfall leads to more spending which encourages economic activity.

#### **Time savings from specific, tailored tests for powers and improvement in data**

242. As these new powers are specific to vagrancy there could be a fall in implementation time, compared to gathering evidence to meet current ASB tests. The new powers are designed to contain easy to evidence situations making for a quicker process.

243. Introducing the new powers, will also lead to improved data collection surrounding powers related specifically to vagrancy<sup>125</sup>. This will allow a better understanding of the scale of the problem.

#### **Improved sense of safety and security to members of the public**

244. The measures outlined in the legislation aim to better deal with Vagrancy. Police and local authorities using this new legislation aims to reduce prevalence and help those who currently feel their sense of safety and security is threatened when they come across people who rough sleep and beg feel safer.

#### **NPSV, BNPV, EANDCB**

##### **Value for money (VfM)**

245. Table 22 presents the monetised costs and benefits identified. 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. As there is no monetisable benefit, and no disproportionate impact to business, both the **Business Net Present Value (BNPV)** and the **net cost to business (EANDCB)**<sup>126</sup> are zero. **The NPSV is between -£0.05 to -£1.0 million with a central estimate of -£0.4 million.**

**Table 22: Estimate of Net Present Social Value (NPSV) 2024-25, England and Wales, £ million**

	<b>Low</b>	<b>Central</b>	<b>High</b>
<b>TOTAL BENEFITS (PV)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL COSTS (PV)</b>	<b>0.05</b>	<b>0.4</b>	<b>1.0</b>
Familiarisation costs	0.05	0.4	1.0
<b>TOTAL NPSV**</b>	<b>-0.05</b>	<b>-0.4</b>	<b>-1.0</b>

Source: Home Office own estimates, 2023

#### **Place-based analysis**

246. 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.

#### **Impact on small and micro-businesses**

<sup>124</sup> Johnsen, S 2016, Enforcement and Interventionist Responses to Rough Sleeping and Begging: opportunities, challenges and dilemmas. Welfare Conditionality Project, York:  
[https://pure.hw.ac.uk/ws/portalfiles/portal/14572313/Interventionism\\_Event\\_Summary.pdf#:~:text=She%20summarised%20research%20evidence%20about%20the%20characteristics%20of,navigate%20through%20human%20excreta%20and%20used%20hypodermic%20needles%29](https://pure.hw.ac.uk/ws/portalfiles/portal/14572313/Interventionism_Event_Summary.pdf#:~:text=She%20summarised%20research%20evidence%20about%20the%20characteristics%20of,navigate%20through%20human%20excreta%20and%20used%20hypodermic%20needles%29).

<sup>125</sup> Currently data on the ASB powers used to tackle vagrancy do not record when begging/rough sleeping are the cause of the power being used leaving, an evidence gap in the data.

<sup>126</sup> This is defined as the Equivalent Annual Net Direct Cost to Business and is the metric used by the Regulatory Policy Committee (RPC). It is referred to as the ‘net cost to business per year’ in this Impacts assessment.



247. Moving rough sleepers on from shop doorways may help businesses as outlined in the benefit section but is not expected to do so disproportionately to small or micro-businesses. This legislation does not need to exempt any businesses from it to prevent negative impacts.

### **E.3 Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

#### **General assumptions and data**

248. Guidance length for CSAS officers to enforce breaches of CPNs and PSPOs is assumed around 9,526 words.<sup>127</sup> The guidance length for the police officers issuing PSPOs is assumed around 4,923 words<sup>128</sup>.

249. An absence in data surrounding the number of CSAS officers in England and Wales means an assumption is set that police volunteers data is used as a proxy to calculate the familiarisation costs.

250. The Readingsoft<sup>129</sup> calculator is used in calculating the familiarisation costs. Following engagement with Home Office policy subject matter experts, it is assumed all CSAS officers<sup>130</sup> and police officers of Inspector rank will read the guidance digitally.

251. All costs and benefits are expressed in 2024/25 prices and estimates use volumes of current police workforce based on March 2023 statistics<sup>131</sup>.

#### **COSTS**

##### **Monetised costs**

##### **Set-up costs – Familiarisation costs**

252. It is assumed for all the power extensions there will be no significant familiarisation costs to solicitors reading guidance as these offences already exist, and solicitors will already be familiar with them.

253. However, for both allowing CSAS officers to enforce breaches of CPNs and PSPOs and giving police power to issue PSPOs there will be some significant costs associated with the familiarisation of both CSAS officers and police inspectors respectively. The costs associated are presented in Table 23.

254. The estimated time to read the guidance per person was found<sup>132</sup> by dividing the number of pages by reading speeds (200, 300 and 600 wpm). This was combined with re-read time<sup>133</sup> and allowance time<sup>134</sup> to give total time to read the guidance and multiplied by hourly wages to calculate costs.

**Table 23: Familiarisation Costs, £**

<b>Power Extension</b>	<b>Low</b>	<b>Central</b>	<b>High</b>
Extending powers to allow CSAS officers to enforce breaches of CPNs/PSPOs. <sup>135</sup>	18,000	67,000	147,000

<sup>127</sup> Based on part of the “Anti-Social Behaviour Powers, Statutory guidance for frontline professionals” relevant to CPNs and PSPOs. The extension for CSAS officers enables them to enforce breaches of CPNs and PSPOs requiring additional guidance, assumed to be the same number of pages as the current ASB powers guidance: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1146322/2023\\_Update\\_ASB\\_Statutory\\_Guidance\\_-\\_FINAL\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146322/2023_Update_ASB_Statutory_Guidance_-_FINAL_1_.pdf)

<sup>128</sup> The new extension power for Police officers to issue PSPOs would require updated guidance on use of PSPOs, which is assumed to be the same number of pages as that of the current ASB powers guidance related to PSPOs.

<sup>129</sup> The speed at which officers are assumed to read the guidance is taken from: <https://readingsoft.com/>

<sup>130</sup> Uses data on numbers of police volunteers as a proxy for the number of CSAS officers in England and Wales, retrieved from: <https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2023>

<sup>131</sup> According to March 2023 data published in July 2023: Police workforce, England and Wales: 31 March 2023 - GOV.UK: <https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2023>

<sup>132</sup> <http://www.readingsoft.com/>

<sup>133</sup> Re-read time ranges between 0 to 8 minutes, with a central value of 1.81 minutes.

<sup>134</sup> Allowance for people with special needs (dyslexia) or where English is not their first language

<sup>135</sup> Assume all CSAS officers will read guidance consisting of between 6,000-12,000 words, central estimate 9,526. Time estimated between 0.17-1.42 hours, central estimate of 0.65.

Extending the power to issue a PSPO to police. <sup>136</sup>	20,000	56,000	122,000
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Source: Home Office own estimates, 2023

## Ongoing and total costs

### Court costs

255. Some expansion measures will lead to increased court costs due to additional volumes of ASB powers issued and resulting breaches. Estimated volumes of breaches are outlined in Table 24. Annual costs are presented in Table 25.

256. For the PSPOs extension a large increase is not expected<sup>137</sup>. Due to an absence of data and uncertainty on the scale of the increase this has not been included in the NSPV. There is also a risk of PSPOs being challenged through the court system. The limited available evidence suggests<sup>138</sup> challenges are extremely rare and are not expected to increase significantly because of this change.

**Table 24: Estimated annual volumes of additional power breaches**

Power Extension	Breach volumes <sup>139</sup>
Extending dispersal order timelines from 48 hours to 72 hours.	25 – 178
Lowering the age of a CPN from 16 to 10. <sup>140</sup>	29 – 164
Extending power to issue PSPOs to police.	5 – 23 <sup>141</sup>

Source: Home Office own estimates, 2023

### Legal aid costs

257. There are legal aid costs associated with the ASB powers breaches dealt with criminally. To estimate court legal aid costs, it was assumed that 50 per cent of defendants in Magistrates' Court are eligible for legal aid. Costs associated with this are outlined in Table 25.

### Police time

258. There are also monetised costs associated with police time spent issuing additional CPNs to youths between the ages of 10 and 16. Total costs of the additional time spent on issuing these CPNs are presented in Table 25. These figures were estimated by setting assumptions around the volumes of CPNs issued<sup>142</sup>, percentage of CPNs that would be issued by police, the total time taken<sup>143</sup> to process and issue a CPN and uses the police officers hourly wages from ASHE dataset<sup>144</sup>.

**Table 25: Monetised Costs – Ongoing annual costs £**

Power Extension	Court	Legal Aid	Police time	Total Annual	Total 10 year

<sup>136</sup> Assume all inspectors will read the guidance consisting of between 4,000-6,000 words, central estimate of 4,923 words. Time estimated is between 0.08-0.6 hours, central estimate of 0.25.

<sup>137</sup> As requirements for implementing PSPO will not change and from stakeholder discussion it was found police already often ask LAs to issue them on their behalf and this could improve efficiency in the process

<sup>138</sup> <https://www.lag.org.uk/article/205493/challenging-public-spaces-protection-orders#:~:text=Despite%20the%20number%20of%20PSPOs%20that%20have%20been,both%20were%20decided%20in%20the%20past%20few%20months.>

<sup>139</sup> These were estimated using the prosecution and convictions MoJ data: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>

<sup>140</sup> Using proportions derived from population data for England and Wales from ONS census 2021: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationandhouseholdestimatesenglandandwalescensus2021>

<sup>141</sup> Due to insufficient data scenario based analysis is used, based on a five per cent increase in PSPOs

<sup>142</sup> Volumes of CPNs issued to 10 to 16 year olds estimated using: His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) powers data (unpublished) and ONS population data.

<sup>143</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationandhouseholdestimatesenglandandwalescensus2021>

<sup>144</sup> between two to five hours, with a central estimate of three hours, from engagement with police

<sup>144</sup> <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

				ongoing costs	ongoing costs
Extending dispersal order timelines from 48 hours to 72 hours.	20,000 – 145,000	7,000 – 49,000 <sup>145</sup>	-	27,000–193,000	230,000–1,663,000
Lowering the age of a CPN from 16 to 10.	23,000 – 133,000	8,000 – 45,000	500 – 19,000, central: 7,000	32,000–198,000	273,000–1,700,000
Extending power to issue PSPOs to police. <sup>146</sup>	5,000 – 26,000	1,000 – 6,000, central: 4,000	-	7,000–32,000	57,000–278,000

Source: Home Office own estimates, 2023, total 10 year ongoing costs are discounted

## Non-monetised costs

### Police time spent dealing with additional breaches of ASB powers

259. It has not been possible to monetise all additional police time resulting from this legislation due to an absence of data. This would increase the opportunity cost of police staff having to prioritise spending time on new tasks over their usual business. Additional police time is expected in relation to extending the timeframe of a dispersal order to 72 hours, due to additional monitoring of the area in the additional 24-hour period, and relating to the additional time spent processing and issuing a PSPO over other tasks.

### Court costs and legal aid court costs

260. There is potential for an increase in arrests leading to more prosecutions and court appearances due to the extension of the power of arrest for all breaches of a Civil Injunction. This could increase court costs and in turn legal aid court costs. There is an absence of arrests data<sup>147</sup> with regards to ASB powers to model these costs on.

## BENEFITS

### Monetised benefits - Increased revenue through fines

#### Increasing the upper limit for a FPN for breaches of CPNs and PSPOs from £100 to £500

261. It estimated that the additional annual revenue received through fines could increase within a range of £54,720 to £547,200 with a central estimate of £273,600<sup>148</sup> for PSPOs and CPNs. Prosecutions and convictions data for the volumes of fines issued as a result of breaches were used to set assumptions around the percentage of offenders issued the maximum fine (between 10 and 100 percent with a central estimate of 50). These assumptions are scenario-based to give an indication of what revenue increases could look like following the legislation and are based on limited evidence.

#### Giving Police power to issue PSPO

262. If more PSPOs are issued by the police, this could lead to an increase in breaches, with the majority of sentencing outcomes being fines. Using scenario-based analysis estimated revenue received from this increase would be between £0 to £6,850 annually, with a central estimate of £3,415. This assumes PSPOs outcomes would increase by a range of 0-10 per cent. Again, due to large uncertainty surrounding these estimates, this has not been included in the NSPV.

## Non-monetised benefits

<sup>145</sup> Estimated using Prosecutions and convictions data for dispersal power breaches, using most recent full financial year data (2017/18)

<sup>146</sup> Based off scenario based analysis

<sup>147</sup> There is currently no arrests data for ASB powers

<sup>148</sup> £15,400 to £154,000, with a central estimate of £77,000 for PSPOs and £39,320 to £393,200 with a central estimate of £196,600 for CPNs

## Reductions in breaches of CPNs and PSPOs

263. In addition to the increase in revenue resulting from a higher maximum FPN, it is expected it will also lead to a reduction in breaches of CPNs and PSPOs. The scale of these reductions has not been quantified due to insufficient information on the propensity to breach CPNs and PSOs.

### Time saving

264. This extension aims to aid getting a Closure Order through to court before it times out, rather than needing to re-apply for the same order multiple times. The new measure could result in time savings and lead to less administration for courts as Closure Orders would not be put through more than once.

### Sharing burden with other relevant statutory bodies

265. Extending Closure Powers to registered housing providers will effectively shift some burden from local authorities and police to housing providers, giving local authorities and police time to carry out other tasks. Through engagement with stakeholders it was suggested housing providers are often already involved in Closure Power admin so their ability to use this power will remove unnecessary administration.

### Value for money (VfM)

266. Both Tables 26 and 27 present the monetised costs and benefits identified over the 10 year appraisal period, including the NSPV. Table 26 includes the monetised benefits relating to fines, whilst Table 27 does not. 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. As there is no impact to business, both the **Business Net Present Value (BNPV)** and the **net cost to business (EANDCB)**<sup>149</sup> are zero.

267. Table 27 estimates the total costs of the new measures within this legislation if the benefits from the fines were excluded. It is important to note that Table 27's NPSV is used as a final estimate to indicate the costs from this legislation as Table 26 consists of scenario-based analysis, however it can be used to indicate the effect of potential monetised benefits.

**Table 26: Estimate of NPSV including benefits (fines) 2024-25, England and Wales, £ million**

	Low	Central	High
<b>TOTAL BENEFITS (PV)</b>	0.5	2.4	4.8
<b>TOTAL COSTS (PV)</b>	1.2	3.7	6.8
<b>TOTAL NPSV**</b>	<b>-0.8</b>	<b>-1.3</b>	<b>-2.0</b>

Source: Home Office own estimates, 2023, Numbers may not add up due to rounding

**Table 27: Estimate of NPSV 2024-25 without benefits (fines), England and Wales, £ million**

	Low	Central	High
<b>TOTAL BENEFITS (PV)</b>	0.0	0.0	0.0
<b>TOTAL COSTS (PV)</b>	1.2	3.7	6.8
<b>TOTAL NPSV**</b>	<b>-1.2</b>	<b>-3.7</b>	<b>-6.8</b>

Source: Home Office own estimates, 2023, Numbers may not add up due to rounding

<sup>149</sup> This is defined as the Equivalent Annual Net Direct Cost to Business and is the metric used by the Regulatory Policy Committee (RPC). It is referred to as the 'net cost to business per year' in this Impact Assessment.

## Place-based analysis

268. 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.

## Impact on small and micro-businesses

269. The measures outlined within this legislation will not have any impact on small and micro businesses.

## E.4 Community Safety Partnerships (CSPs)

### General assumptions and data

270. After engagement with Home Office policy officials, assumptions have been set around the times taken to complete new tasks introduced within this legislation, these assumptions are not based on data but rather opinion from subject matter experts<sup>150</sup>. These include:

- a. Time taken for CSPs to include new information into their strategic assessment
- b. Time taken for CSPs to send their PCC the strategic assessment via email
- c. Time taken for CSPs to publish their strategic assessment on a public website
- d. Time taken for PCCs to review and make recommendations on the activity carried out by CSPs
- e. Time taken for CSPs to take the PCCs recommendation into consideration

271. Home Office policy officials are currently aware of 310 CSPs in England and Wales. Due to the potential of CSPs to merge/spilt a 10 per cent range was set giving volumes between 279 and 341.

272. The modelling assumed all CSPs do not currently carry out these tasks. However, this could overestimate costs as some may do so despite not currently being mandatory. Due to limited data it has not been possible to quantify the proportion of CSPs this relates to.

273. Salaries are taken from the ASHE dataset<sup>151</sup> and use the “local government administrative occupations” hourly pay of £16.97 for local authority staff, “all employees” hourly wage of £20.80 for any other statutory or non-statutory body and “police officers” hourly wages for salary of a PCC staff member.

274. The modelling assumes that CSPs already record and own data relating to ASB Case Reviews needed for the strategic assessment<sup>152</sup> and the length of the new guidance is assumed to be around 2,721 words<sup>153</sup>.

## COSTS

### Monetised costs

#### CSPs Time

275. Costs have been monetised relating to time to complete the new tasks by CSP staff. Table 28 indicates total time and cost of CSPs time as a result. A range of times, derived from Home office policy officials, were set for each task. Estimates represent opportunity cost of staff needing to spend additional time on tasks outlined in this legislation, instead of other day-to-day tasks.

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<sup>150</sup> Collected through discussion with policy officials based on opinions from stakeholder engagement with CSPs.

<sup>151</sup> Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14 - Office for National Statistics: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashetable14>

<sup>152</sup> Based on policy engagement with a number of CSPs. Have set a range around the number of CSPs, the low assumes there are 279 CSPs, high assumes 341 and central assumes 310 CSPs as quoted by Policy.

<sup>153</sup> Based on section 3 of the “Reducing Reoffending, Cutting Crime, Changing Lives guidance document for CSPs in England and Wales” written by The Home Office and The Ministry of Defence

276. It is assumed that in the first year following introduction CSPs will take longer to administer the additional tasks, therefore CSP time from year two of the appraisal period is reduced to 60 per cent of year one annual estimates<sup>154</sup>.

**Table 28: Annual time and costs<sup>155</sup> for implementing the new measures within this legislation, all CSPs, England and Wales**

<b>Annual time taken for all CSPs to complete new tasks in year 1 (hours)</b>			
	Low	Central	High
CSPs to include new information within the strategic assessment	744	1793	3035
CSPs to send PCCs strategic assessment via email	47	103	171
CSPs to publish their strategic assessment on public website	279	1302	2523
PCCs to review and make recommendation on the activity carried out by CSPs	419	698	1023
CSPs to take PCCs recommendation into consideration	279	620	1023
<b>Total time taken to complete all of the new tasks</b>	<b>1,767</b>	<b>4,516</b>	<b>7,775</b>
<b>Annual costs to complete these new tasks in year 1 (£)</b>			
CSPs to include new information within the strategic assessment	14,051	32,138	51,491
CSPs to send PCCs strategic assessment via email	878	1,852	2,893
CSPs to publish their strategic assessment on public website	5,269	23,339	42,813
PCCs to review and make recommendation on the activity carried out by CSPs	10,738	17,897	26,249
CSPs to take PCCs recommendation into consideration	5,269	11,114	17,356
<b>Total costs to complete all of the new tasks</b>	<b>36,205</b>	<b>86,341</b>	<b>140,802</b>

Source: Home Office estimates, 2023

277. The majority of these tasks would be done by local authority staff<sup>156</sup> within the CSP. However, due to limited data on the number of CSPs where local authority staff would lead, the Home Office set assumptions that between 50-100 per cent of CSP staff carrying out these tasks would be local authority staff.

### Familiarisation costs

278. The costs associated with reading the legislation are estimated between £174 and £3,405, with a central estimate of £1,161. All estimates assume one CSP staff member will read the legislation and feedback to staff. Estimates are based on legislation consisting of between 1,000 and 4,000 words.

279. The range of estimated time it would take to read the guidance on screen per person is between 0.03 and 0.48 hours with a central estimate of 0.18 hours.<sup>157</sup>

### Non-monetised costs

#### PCCs time

280. Some measures within this legislation could not be monetised due to implementation being at the discretion of PCCs. These include:

<sup>154</sup> The assumption of 60 per cent has been agreed with policy experts, but is not based on data and therefore carries uncertainty.

<sup>155</sup> Based on year one figures, year 2 onwards of the appraisal period is 40 per cent less than year one (a range of £21,723 to £84,481 with a central estimate of £51,805)

<sup>156</sup> Based off engagement with Home Office policy officials.

<sup>157</sup> This was found by dividing the number of pages of the document by the various speeds, which were 200 wpm, 300 wpm and 600 wpm and combining with re-read time (between 0 to 8 minutes, with a central value of 1.81 minutes) and allowance time, for people with special needs (dyslexia) or where English is not their first language, to give the total time it would take to read the guidance

- a. The new duty for PCCs to promote awareness of ASB Case Review and monitor its use in the PFA.
- b. The new duty for PCCs to provide a route for victims to query the outcome made by the agency following the ASB Case Review.

281. These tasks would create a new responsibility for PCCs and resulting in opportunity cost of prioritising time on them over other business. As implementation is at the discretion of the police, the associated costs have not been monetised as the time taken across PCCs could vary considerably.

## BENEFITS

### Non-monetised benefits

#### Better communication between CSPs and PCCs

282. The implementation of these new measures aims to improve communication and introduce more opportunities for PCCs to offer support to CSPs. Improving these relationships will support delivery of the objectives set out in the Police and Crime Plan and help to guide activity of CSPs to ensure better outcomes for local communities.

283. Through providing a more streamlined, cross agency approach to cutting crime and keeping the public safe, longer term there are potential benefits in crime and ASB reductions. The scale of these benefits has not been monetised as it depends on effectiveness of the legislation to create stronger working relationships between CSPs and PCCs.

#### Increased transparency with the wider public

284. The new mandatory duty for CSPs to publish their strategic assessment, will enable the public to gain wider understanding on the role of CSPs and the outcomes with regards to ASB Case Reviews. This could lead to improved public perceptions of authorities involved in ASB response, or to more victims seeking help if positive outcomes of ASB Case Reviews are clearly outlined.

### NPSV, BNPV, EANDCB

285. Table 29 presents the monetised costs and benefits identified in this assessment. 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. As there is no monetisable benefit, and no impact to business, both the **Business Net Present Value (BNPV)** and the **net cost to business (EANDCB)**<sup>158</sup> are zero. The NPSV is between -£0.2 million to -£0.8 million with a central estimate of -£0.5 million.

**Table 29: Estimate of Net Present Social Value (NPSV) 2024/25, England and Wales, £m**

	Low	Central	High
<b>TOTAL BENEFITS (PV)</b>	0.0	0.0	0.0
<b>TOTAL COSTS (PV)</b>	<b>0.2</b>	<b>0.5</b>	<b>0.8</b>
<b>TOTAL NPSV**</b>	<b>-0.2</b>	<b>-0.5</b>	<b>-0.8</b>

Source: Home Office own estimates, 2023

### Place-based analysis

286. Place-based analysis is not required for the measures outlined in this legislation

### Impact on small and micro-businesses

287. The new measures will not have an impact on small and micro sized businesses.

<sup>158</sup> This is defined as the Equivalent Annual Net Direct Cost to Business and is the metric used by the Regulatory Policy Committee (RPC). It is referred to as the 'net cost to business per year' in this IA.

## E.5 Knife Crime

288. This section covers the appraisal for the following measures (labelled and referred to numerically throughout the section for the purpose of brevity):

- **Measure 5.1:** Introduce powers for police to seize, retain and destroy bladed articles held in private
- **Measure 5.2:** 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 to two years
- **Measure 5.3:** Introduce a new offence of possession of a weapon or bladed article with intent to use in unlawful violence

### General assumptions and data

#### Common assumptions across all measures

289. **Timeline:** The legislation is expected to take effect from 2024/25, and the cost benefit analysis covers a 10-year appraisal period. From 2025/26 onwards, a consistent annual volume of additional cases are expected to flow through the CJS (the steady state). In 2024/25 the first year of implementation, additional CJS volumes are forecasted to be 25 per cent of the steady state.

**Number of offences under Option 1:** Table 30 shows the volume of prosecutions under Option 1. Historic data is taken from the MoJ outcomes by offence data tool.<sup>159</sup>

**Table 30: Number of prosecutions for offences under Option 1**

Offence (Home Office offence code)	Number of prosecutions per year under Option 1	Historic data period assumption taken from
Possession of prohibited offensive weapons in private (19721)	303	Year ending June 2022 (first full year of offence data)
Manufacture, import, sale or hire of prohibited offensive weapons (19520)	4.5	Year ending June 2018 to year ending June 2021 (most recent year omitted due to other offences added to code).
Sale of bladed articles to under 18s (19522)	40	Year ending June 2018 to year ending June 2022
Possession of bladed articles in public (00826)	8,565	Year ending June 2018 to year ending June 2022

Source: Home Office estimates using Ministry of Justice, outcomes by offence data tool, June 2022

#### Assumptions specific to each measure

290. Tables 31 to 34 set out the assumptions relating to each of the knife crime related measures in the Bill which are not covered by the common assumptions under all measures.

291. The analysis assumes that, for Measure 5.1, only seizures involving non-prohibited blades would have any additional costs and benefits, as seizures of prohibited offensive weapons held in private are already captured in the criminal justice system through existing offences.

**Table 31: Measure 5.1 – assumptions**

Assumption (steady state, annual)	Value	Source / methodology

<sup>159</sup> Ministry of Justice outcomes by offence data tool: June 2022  
<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>



Seizures involving non-prohibited blades	909	Number of court proceedings for possession of prohibited offensive weapons in private (from Table 33) used as proxy for number of seizures involving prohibited blades per year.  Proportion of knife related homicides which involve prohibited knives used as proxy for the percentage of blades seized which are prohibited (25 per cent, from internal Home Office Management Information data).
Appeal rate	Low: 5 per cent Best: 10 per cent High: 15 per cent	Range given uncertainty in assumption.
Appeals	Low: 45 Best: 91 High: 136	Calculated from previous assumptions in table 31.

Source: Home Office own estimates, 2023

292. Under Measure 5.2, it is assumed there will be an increase in prosecutions for the offence of sale of bladed articles to persons aged under 18; this increase is associated with the additional length of time police will have to investigate cases and make a charge. The current summary offence time limit is six months, and upgrading the mode of trial would remove the time limit for charges altogether. There is not expected to be an increase in the number of prosecutions for other offences which fall within the scope of the measure due to the low volumes of searches instigated by possession of prohibited offensive weapons in private<sup>160</sup>, and as there is already high compliance with the offence of manufacture, import, sale or hire of a prohibited offensive weapon.

**Table 32: Measure 5.2 - assumptions**

<b>Assumption (steady state, annual)</b>	<b>Value</b>	<b>Source / methodology</b>
Additional prosecutions for the offence of sale of bladed articles to under 18s (19522)	Low: 25 Best: 50 High: 100	Based on Home Office conversations with the NPCC. These investigations are more complex and time consuming as sales often take place online. It's assumed that additional investigation time will result in additional 0.5 and 2 additional prosecutions per police force each year, with a best estimate of 1 (rounded to nearest 25).

<sup>160</sup> NPCC stakeholders have highlighted that the volume of searches under section 142 of the Criminal Justice Act 1988 are extremely low, as offensive weapons tend to be found in private when police are searching for other reasons, and the introduction of this proposal will not increase the propensity for police to search under this section.

Percentage of additional cases going to Magistrates' courts	100%	There have been no custodial sentences for the offence in the previous five years. <sup>161</sup> This is used as a proxy to indicate that, as an either way offence, cases are still unlikely to go to the Crown Court.
Conviction rate for additional cases	80%	Average conviction rate for offence, year ending June 2018 to year ending June 2022. <sup>162</sup>
Likelihood of receiving custodial sentence on conviction	0%	Average custodial sentence rate for offence, year ending June 2018 to year ending June 2022. <sup>163</sup>
Likelihood of receiving community sentence on conviction	3.1%	Average community sentence rate for offence, year ending June 2018 to year ending June 2022. <sup>164</sup>
Number of additional community sentences	Low: 0.6 Best: 1.2 High: 2.5	Calculated from previous assumptions in table.

Source: Home Office own estimates, 2023

293. Under Measure 5.3, it is assumed that all new offences will be displaced from the existing offence of possession of a bladed article public. The main impact is therefore expected to be on sentence lengths of those who receive a custodial sentence, as this offence is likely to be treated more seriously by the CPS.

**Table 33: Measure 5.3 – assumptions**

Assumption (steady state, annual)	Value	Source / methodology (all court data taken from outcomes by offence data tool, year ending June 2018 to year ending June 2022) <sup>165</sup>
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<sup>161</sup> Ministry of Justice outcomes by offence data tool: June 2022: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

<sup>162</sup> Ministry of Justice outcomes by offence data tool: June 2022: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>:

<sup>163</sup> Ministry of Justice outcomes by offence data tool: June 2022: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>:

<sup>164</sup> Ministry of Justice outcomes by offence data tool: June 2022: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

<sup>165</sup> Ministry of Justice outcomes by offence data tool: June 2022  
<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

Volume of possession of bladed articles offences prosecuted, where there is intent to use in unlawful violence	Low: 660 Best: 1,000 High: 1,460	Custodial terms from outcomes by offence data tool used as proxy for possession with intent. The low scenario assumes that those sentenced to a custodial term of greater than six months were all possession with intent cases. The high scenario assumes that those sentenced to a custodial term of greater than or equal to six months were all possession with intent cases. The best estimate scenario takes a rounded mid-point.
Percentage of charges where there is intent to use in unlawful violence which are charged under the new offence	10%	Included to reflect the likelihood that most possession with intent cases are unlikely to have sufficient evidence. The 10% assumption is based on Home Office conversations with NPCC and the ratio of prosecutions of firearm possession offences with intent to harm against other firearm possession offences.
Number of prosecutions for new offence	Low: 66 Best: 100 High: 146	Calculated from previous assumptions in table 33.
Conviction rate	60%	Average conviction rate for offence of possession of firearms with intent is used as a proxy (HO offence code 10A), year ending June 2018 to year ending June 2022.
Likelihood of receiving custodial sentence on conviction	66%	Supported by two data sources: <ul style="list-style-type: none"> <li>• Average custodial sentence rate for offence of possession of firearms with intent is 65%, year ending June 2018 to year ending June 2022.</li> <li>• Average custodial sentence rate for possession of bladed articles in public is 33%, year ending June 2018 to year ending June 2022. Assume the new offence would have double the likelihood of receiving a custodial sentence due to higher severity.</li> </ul>
Percentage of additional cases going to Magistrates' courts	34%	Assumes that percentage of cases going to the crown court would reflect number of custodial sentences.
Number of custodial sentences under new offence	Low: 26 Best: 40 High: 58	Calculated based on previous assumptions in table 33.
Average Custodial Sentence Length (ACSL) for possession of bladed articles in public (months)	6.6	ACSL for offence from outcomes by offence data tool.
ACSL for new offence (months)	13.2	Assumed to be double the current possession offence to reflect increased severity.
Number of new prison places required under Option 2	Low: 7 Best: 11 High: 16	Calculated from previous assumptions in table 33, based on difference between sentence length. Assumes those given a custodial sentence will only serve half of the sentence length.

Source: Home Office own estimates, 2023

294. Familiarisation costs are estimated using the assumptions identified in Table 34.

**Table 34: Assumptions underpinning familiarisation costs**

Assumption (year one)	Value	Source / methodology
Length of documentation	Low: 2,000 Best: 3,500 High: 5,000	Consultation with NPCC stakeholders.

Number of police officers who will require familiarisation	Senior Police Officers: 10,000 Sergeants and Constables: 130,000 PCSOs <sup>166</sup> : 9,000	Consultation with NPCC stakeholders. Equivalent to 65% of workforce.
Median hourly wages of police officers.	Senior Police Officers: £29.48 Sergeants and Constables: £21.02 PCSOs: £16.06	ASHE survey 2022. <sup>167</sup> Adjusted to account for non-wage labour costs (22 per cent for public sector workers). <sup>168</sup>
Number of solicitors who will require familiarisation	Low: 2,940 Best: 5,880 High: 8,820	Based on number of solicitors and barristers working for criminal legal aid (CLA) firms, adjusted for percentage of CLA firms working in other legal areas. <sup>169</sup>
Number of barristers who will require familiarisation	Low: 700 Best: 1,330 High: 2,000	
Median hourly wages	Solicitors: £27.25 Barristers: £30.12	ASHE survey 2022. <sup>170</sup> Adjusted to account for non-wage labour costs (17 per cent for private sector workers). <sup>171</sup>
Reading speed (words per minute)	Low: 700 Best: 300 High: 200	Readingsoft calculator <sup>172</sup>

Source: Home Office own estimates, 2023

## COSTS

### Set-up Costs

#### Familiarisation costs to Police and private sector

295. Police officers of varying ranks, lawyers, solicitors, and other legal professionals will need to familiarise themselves with the new legislation. The familiarisation costs only occur in Year one (2024/25) after the implementation of the legislation. **Familiarisation costs are estimated to be between £0.19 million and £1.76 million, with a best estimate of £0.80 million.**

**Table 35: Estimates of familiarisation costs, Measure 5.1, £m**

Scenario	Sector		Total
	Police	Private Sector (legal)	
Low	0.18	0.01	0.19
Best	0.75	0.05	0.80

<sup>166</sup> Police Community Support Officers

<sup>167</sup> Annual Survey of Hours and Earnings (ASHE), 2022:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

<sup>168</sup> Office of National Statistics, Index of Labour Costs per Hour, seasonally adjusted, 2020,

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/indexoflabourcostsperhourilchseasonallyadjusted>

<sup>169</sup> Bellamy, Sir Christopher, Independent Review of Criminal Legal Aid, November 2021,

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1041117/clar-independent-review-report-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041117/clar-independent-review-report-2021.pdf)

<sup>170</sup> ASHE Survey, 2022:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

<sup>171</sup> Office of National Statistics, Index of Labour Costs per Hour, seasonally adjusted, 2020,

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/indexoflabourcostsperhourilchseasonallyadjusted>

<sup>172</sup> Readingsoft.com, 2021, see: <http://www.readingsoft.com/>

High	1.61	0.15	1.76
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Source: Home Office estimates, 2023. Estimates rounded to the nearest £10,000.

## Set-up costs to the Criminal Justice System

296. Measure 5.3 will require additional prison capacity, equivalent to the number of prison places which will be occupied per year in the steady state (between 7 and 16, with a best estimate of 11). **Prison set up costs are estimated to be between £1.79 million and £3.99 million, with a central estimate of £2.75 million** in year one only. These costs are in line with the steady state annual volumes set out in Table 33. As the steady state will not be reached until year two, this capacity will not be required until then.

## Ongoing costs

### Police and Criminal Justice System

#### Measure 5.1

297. This proposal includes a new right of appeal to the Magistrate's Court, meaning HMCTS may also incur costs associated with appeals. The assumptions in Table 31 indicate there would be between 45 and 136 appeals per year, with a central estimate of 91 appeals. Table 36 provides an annual breakdown of the cost over the 10-year appraisal period. It is estimated that the **cost of appeals heard in the Magistrate's Court will be between £0.1 million and £0.3 million, with a central estimate of £0.2 million** over the appraisal period.

**Table 36: Estimates of ongoing costs to police and criminal justice system, Measure 5.1, £m**

Scenario	Appraisal Year										Total
	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	
Low	0.00	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.10
Best	0.01	0.03	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.21
High	0.01	0.04	0.04	0.04	0.03	0.03	0.03	0.03	0.03	0.03	0.31

Source: Home Office estimates, 2023.

#### Measure 5.2

298. Discussions with NPCC stakeholders indicate that any cost associated with extra investigations would be negligible, as the cases related to the offences in question are likely to be relatively simplistic, not requiring extra resource to investigate but merely more time to complete the charging process.

299. As set out in Table 32, it is estimated that there will be between 25 and 100 additional prosecutions under the offence of selling knives to persons aged under 18 years of age, with a central estimate of 50 prosecutions.

300. It is assumed that all of the cases will be heard in the Magistrate's Court, and the **additional costs to the Magistrates' Court associated with these cases have been estimated to be between £0.16 million and £0.66 million, with a best estimate of £0.33 million** over the appraisal period.

301. Legal aid costs associated with the additional cases in the Magistrates' Court are estimated to be between **£0.09 million and £0.36 million, with a best estimate of £0.18 million** over the appraisal period.

302. When further applying the conviction rate and the likelihood of receiving a community sentence, the CJS will incur probation costs associated with the additional community sentences awarded. This is estimated to be between 0.6 and 2.5, with a central estimate of 1.2 additional community sentences per year. Probation costs associated with these additional sentences are estimated to be between **£0.03 million and £0.11 million, with a best estimate of £0.05 million** over the appraisal period.

**Table 37: Estimates of ongoing costs to the Criminal Justice System, Measure 5.2, £m**

Scenario	Appraisal Year										Total
	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	
Low	0.01	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.28
Best	0.02	0.07	0.07	0.06	0.06	0.06	0.06	0.06	0.05	0.05	0.56
High	0.04	0.14	0.13	0.13	0.12	0.12	0.12	0.11	0.11	0.10	1.12

Source: Home Office estimates, 2023.

### Measure 5.3

303. The new possession offence is not estimated to create a significant additional cost to the police, despite the additional investigations and cases resulting from the proposal. Following Home Office discussions with NPCC stakeholders, it's estimated that investigators will likely have a reasonable idea very early on in the investigation, based on initial evidence, as to whether they will be able to prove intent. This means costs associated with additional investigations would be negligible.
304. There is no expected increase in prosecutions, however cases charged under the new possession with intent offence (instead of the existing possession in public offence) are expected to be treated more seriously in court.
305. As set out in Table 33, those who are charged under the possession with intent offence will have higher legal aid costs due to the higher category of offence payable under the Crown Court. **Additional legal aid costs are estimated to be between £2.87 million and £6.34 million, with a best estimate of £4.34 million.**
306. Those who receive a custodial sentence will also have a higher average custodial sentence length, despite the maximum penalty being the same under both offences (four years' imprisonment), due to the greater severity of the new offence. The additional number of prison places which will be occupied per year in the steady state is between 7 and 16, with a best estimate of 11. **The ongoing costs of these additional prison places are estimated to be between £3.49 million and £7.79 million, with a best estimate of £5.37 million.**

**Table 38: Estimates of ongoing costs to the Criminal Justice System, Measure 5.3, £m**

Scenario	Appraisal Year										Total
	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	
Low	0.20	0.78	0.76	0.73	0.71	0.68	0.66	0.64	0.61	0.59	6.36
Best	0.31	1.19	1.15	1.12	1.08	1.04	1.01	0.97	0.94	0.91	9.72
High	0.45	1.74	1.68	1.62	1.57	1.51	1.46	1.41	1.37	1.32	14.13

Source: Home Office estimates, 2023. Estimates rounded to the nearest £10,000.

### Retailers

307. As Measure 5.2 will mean that police will have more time to investigate a suspected offence, knife retailers will need to ensure that they keep any relevant documentation (for example, copy of proof of age) for a longer time period following point of sale. This means they may face additional administration costs in relation to record keeping and GDPR. Responses to the consultation indicate that the cost associated with keeping records for longer would be negligible for the vast majority of retailers.

### BENEFITS

#### Public

308. **Reduction in knife crime:** The intention of each of the policy options is to reduce their possession and use in offences. This cannot be quantified as there is not sufficient evidence available to determine how many offences will be avoided as a result of individual proposals. However, breakeven analysis has been undertaken for Option 2 to determine the number of homicides, robberies, and violence with injury offences which would need to be prevented in order for benefits

to outweigh net costs of the policy. The unit cost to society (excluding cost in anticipation<sup>173</sup>) of a homicide is £4.00 million (2024/25 prices), robbery is £0.01 million (2024/25 prices), and violence with injury is £0.02 million (2024/25 prices)<sup>174</sup>.

- 309. Option 2 would need to prevent at least approximately five homicides across the 10-year appraisal period (in the central scenario), to have a net benefit to society. At least 950 incidents of violence with injury across the 10-year appraisal period (in the central scenario) would have to be prevented in order for the benefits to outweigh the costs. At least 1,200 incidents of robbery across the 10-year appraisal period (in the central scenario) would have to be prevented in order for the benefits to outweigh the costs. There were approximately 2,000 homicides, 190,000 assaults with injury, and 160,000 robberies, recorded by the police where a knife or sharp instrument was used, in the last 10 years<sup>175</sup>.
- 310. **Fear of crime:** Some of the proposals may lead to a reduction in fear of crime, however this benefit has not been monetised due to lack of evidence on the specific drivers of fear of knife crime, and the extent to which the proposals will affect this.

**NPSV, BNPV, EANDCB**

- 311. The NPSV is estimated to be between -£8,722,000 and -£21,316,000, with a central estimate of -£14,035,000 over the appraisal period (2024/25 prices, present value). This is summarised in Table 39 below.

**Table 39: Summary CBA, NPSV, BNPV and EANDCB, £ million (PV) over 10 years.**

Costs	Low	Central	High
Total set up costs	1.98	3.55	5.75
Total ongoing costs	6.74	10.49	15.57
<b>Total costs</b>	<b>8.72</b>	<b>14.04</b>	<b>21.32</b>
<b>Benefits</b>			
Total benefits	0	0	0
<b>NPSV</b>	<b>-8.72</b>	<b>-14.04</b>	<b>-21.32</b>
<b>BNPV</b>	0	0	-0.1
<b>EANDCB</b>	0	0	0

Note: NPSV = Net Present Social Value, BNPV = Business Net Present Value and EANDCB = Equivalent Annual Net Direct Cost to Business

**Value for money (VfM)**

- 312. It is not possible to assess the value for money of each option, as benefits are not monetised due to the absence of available evidence and data. However, the breakeven analysis in paragraph 309 indicates that only a small percentage of knife related crimes (for instance 0.2 per cent of homicides involving a knife or sharp instrument) will need to be prevented in order for the measures to have a net gain to society over the appraisal period.

**Place-based analysis**

- 313. The benefits associated with the policy options are likely to be more concentrated in areas where knife crime is more geographically concentrated, such as the West Midlands and London.<sup>176</sup>

<sup>173</sup> Reduction in costs in anticipation are excluded from breakeven analysis, as the marginal impact on crime reduction is unlikely to have a notable impact on defensive expenditure or insurance administration costs.

<sup>174</sup> Home Office Economic and Social Costs of Crime, second edition (2018): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/732110/the-economic-and-social-costs-of-crime-horr99.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732110/the-economic-and-social-costs-of-crime-horr99.pdf)

<sup>175</sup> Crime in England and Wales: other related tables, Table F3a (excluding Greater Manchester Police), March 2023: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesotherrelatedtables>

<sup>176</sup> ONS police force area data tables (June 2023): <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/policeforceareadatatables>

## **Impact on small and micro-businesses**

314. There is no monetised/quantified impact of the proposals on small and micro business.

## **F. Proportionality**

### **Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs**

315. As this is a final stage IA, the impacts have been monetised as far as possible, making use of findings from the White Paper consultation and Home Office discussions with police forces. The impact estimates associated with the proposed changes are indicative only.

316. A proportional approach was taken to monetise as many impacts as possible, prioritising the most substantial costs and benefits. Where impacts have not been monetised, either due to proportionality or the absence of evidence, a qualitative summary has been provided.

### **The Replacement of the Vagrancy Act 1824**

317. A lot of the impact outlined within this IA looks at a baseline of the VA 1824, as this new legislation will come into affect at the same point as VA 1824 is repealed. Much of the impact may instead present as business as usual rather than a change in impact. The new measures will be tailored to begging and rough sleeping and provide a pathway to more positive requirements<sup>177</sup> where support and treatment may be more beneficial than a fine or short prison sentence.

### **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

318. A large proportion of the analysis within this IA looks to monetise the impacts on police and other bodies' time spent executing the proposed new extensions to ASB powers over their day-to-day tasks in addition to court costs as a result of increased breaches resulting from these extended measures. It is important to note that many of these costs may be absorbed into the current BAU tasks of the bodies involved as the ASB powers already exist before the extensions being introduced.

### **Community Safety Partnerships (CSPs)**

319. A large proportion of the analysis within this IA looks to monetise the impacts on CSPs and PCCs time spent executing the proposed new measures over their current tasks. It is important to note that many of these costs may be absorbed into the current business as usual tasks of the bodies involved as most of the tasks are already carried out by CSPs.

### **Knife Crime**

320. There has been a proportionate effort to consult, seek expert advice and develop robust estimates where possible, to monetise the costs set out in the appraisal section where data is available, and highlight the risks in Section G.

321. The most proportionate approach to assessing benefits and value for money will be to undertake breakeven analysis on the number of homicides, robberies, and violence with injury offences that would need to be prevented in order for benefits to exceed costs.

## **G. Risks**

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<sup>177</sup> Such as accepting treatment for drug misuse or accommodation offers



## **Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs**

### **Risk 1 – Estimating the drug testing equipment and commercial cost**

322. 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.

### **Risk 2 – Incomplete data for all police forces in England and Wales**

323. 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.

### **Risk 3 - Inaccurately predicted DToA volumes**

324. 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.

### **Risk 4 – An unexpected rise in the number of trigger offences committed**

325. 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.

## **The Replacement of the Vagrancy Act 1824**

### **Risk 1 – Data quality**

326. A risk of the analysis carried out in this IA 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”<sup>178</sup> and a wide range was estimated to highlight the uncertainty around these figures.

327. Whilst, for volumes of begging figures, percentages of people that rough sleep and beg were acquired from a range of different sources<sup>179</sup> and used to estimate these. There are significant limitations around the analysis within this IA and these assumptions could have an effect on economic estimates.

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<sup>178</sup> 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.>

<sup>179</sup> 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](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>

328. 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 the Table 22.

### **Risk 2 – Training**

329. Discussions with stakeholders highlighted the risk that police forces may require training on how to deal with the new offence of organised begging. This could be a time-consuming process. This 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.

### **Risk 3 – Lack of use of new powers**

330. Another potential risk could be that police officers and local authorities may not adapt and embrace the switch to using new vagrancy powers and remain using less fitting ASB powers (from ASBCP 2014) and associated criminal sanctions. This could result in a misuse of resources in response to the use of these new powers.

### **Risk 4 – Increased demand of new support services**

331. 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.

## **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

### **Risk 1 – Data**

332. 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 a risk of this analysis.

### **Risk 2 – Scenario-based analysis**

333. 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.

## **Community Safety Partnerships (CSPs)**

334. 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.

335. 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 CSP accountability to central government.

### **Risk 1 – Data**

336. 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.

## **Knife Crime**

### **Risk 1 – Data**

337. Across all options, the cost of familiarisation with the new legislation for all groups is dependent on the complexity of legislation guidance and training materials produced, and the number of staff required to familiarise themselves with the guidance
338. Under the measure to introduce a new police power to seize, retain and destroy legally held bladed articles in private, critical areas of uncertainty will include the number of weapons which will be seized and destroyed (that is, 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.
339. Under the measure to increase the maximum penalty for offences under section 141 and section 141A of the CJA 1988, there is uncertainty surrounding the number of additional cases of selling a blade to those under 18 years of age (section 141A). 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.
340. Under the measure to introduce a new offence of possession of a weapon or bladed article with intent to use in 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.
341. To reflect the uncertainty associated with the above assumptions, sensitivity analysis has been adopted, altering assumptions for low, central and high cost scenarios.
342. There is further uncertainty surrounding how offenders under the new possession of a weapon or 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.
343. It has not been possible to quantify the impacts on knife-related injuries, hospital admissions, and homicides resulting from the knife crime proposals. The breakeven analysis presented in the appraisal section indicates that only a small percentage of knife related crime would need to be prevented for benefits to exceed costs.

### **Risk 3 – Unintended consequences**

344. 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 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.

## **H. Direct costs and benefits to business calculations**

### **Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs**

345. There are no expected direct costs and benefits to businesses as part of this legislation.

### **The Replacement of the Vagrancy Act 1824**

346. There is not expected to be any direct costs or benefits to businesses as a result of this legislation.

### **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

347. The new measures within this legislation will not have any direct costs and benefits to businesses.

### **Community Safety Partnership Review and anti-social behaviour provision**

348. The new measures outlined within this legislation will not have any impacts to any other businesses

### **Knife Crime**

349. Overall cost to business is expected to be negligible.

## **I. Wider impacts**

350. An Equalities Impact Assessment has been carried out in addition to this IA. In addition, the measures included in the IA have a wide range of impacts.

### **Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs**

#### **Wider risk 1 – A rise in arrest referrals into drug treatment and an increase in early exit**

351. The DToA appraisal highlighted non-monetised benefits which can be incurred including individuals that are referred to drug treatment following their arrest. 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 them 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.

352. The Home Office and DHSC are currently working together to ensure that there will be sufficient provision of drug treatment spaces so there is minimal wait for treatment and high-risk offenders are prioritised. The 10-year Drug Strategy also pledges a significant increase in funds towards drug treatment as the government has understanding of the value it has upon society.

#### **Wider risk 2 – Possible disproportionality of DToA**

353. The Swift, Certain, Tough White Paper public consultation<sup>180</sup> 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. This shows that there is some scepticism of the policy and lower trust with the police forces.

354. The Home Office will continue to collect data on drug tests carried out from police forces and will carry out annual reviews of the Equalities Impact Assessment of the DToA expansion project. The

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<sup>180</sup> Secretary of state for Home Office, Swift, Certain, Tough: New Consequences for Drug Possession (accessible version) - GOV.UK: <https://www.gov.uk/government/consultations/swift-certain-tough-new-consequences-for-drug-possession-white-paper/swift-certain-tough-new-consequences-for-drug-possession-accessible-version>

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 Home Office aim to seek additional information on this in future delivery plans, and will also continue to report into internal Drug Strategy governance structures to raise and monitor any risks identified.

#### **The Replacement of the Vagrancy Act 1824**

355. There are no wider impacts expected of this policy.

#### **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

356. There are no wider impacts expected of this policy.

#### **Community Safety Partnerships (CSPs)**

357. There are no wider impacts expected of this policy.

#### **Knife Crime**

358. 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.

359. The proposals may lead to a reduction in fear of crime, however this has not been quantified due to an absence of evidence on the specific drivers of fear of knife crime, and the extent to which the proposals will affect this.

## **J. Trade Impact**

#### **Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs**

360. There is no trade impact or investment implications of the measure due to DToA only being implemented in England and Wales

#### **The Replacement of the Vagrancy Act 1824**

361. The replacement measures will have no direct impact on trade or investment.

#### **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

362. The new measures outlines within this IA will not have an impact on international trade.

#### **Community Safety Partnerships (CSPs)**

363. The new measures outlined within this legislation will not have any potential trade implications.

#### **Knife Crime**

364. These proposals are not expected to impact trade. At consultation, businesses were asked if there would be additional costs associated with the proposals, to which the vast majority responded that there would not be an additional impact/ cost.

## **K. Monitoring and evaluation plan**

### **Expanding Drug Testing on Arrest (DToA) to specified Class B and Class C drugs**

#### **Monitoring data**

365. 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.
366. 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.
367. 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.

#### **Evaluation**

368. An externally commissioned evaluation is underway to cover years 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.
369. 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.

### **The Replacement of the Vagrancy Act 1824**

370. 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.
371. 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.
372. 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 figures may be reflecting successful assertive outreach outcomes (as seen in some areas currently).
373. 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.

374. 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.

#### **Reform of the anti-social behaviour powers in the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP 2014)**

375. Following implementation, the Home Office 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.

#### **Community Safety Partnerships (CSPs)**

376. Implementation of this legislative measure will be monitored via phase two of the Community Safety Partnership Review, which is expected to launch by the end of 2023 and engages both a steering group and working group of community safety stakeholders so will have the opportunity to evaluate success of implementation of these measures.
377. Following implementation of this measure, the Home Office will monitor the impact and effectiveness of this legislation through data on use of powers and review the implementation of powers. The Home Office will ensure engagement with trusted stakeholders and practitioners is undertaken to monitor the implementation and effectiveness of the new measures.

#### **Knife Crime**

378. 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 and offender outcomes. The Home Office will also keep under review the impact of the measures on business. Legislation is normally subject to post legislative scrutiny within 5 years of receiving Royal Assent.

## **L. Annexes**

379. There are no annexes to this impact assessment.

**Impact Assessment Checklist**

<b>Mandatory specific impact test - Statutory Equalities Duties</b>	<b>Complete</b>
<p><b>Statutory Equalities Duties</b></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. <a href="#">[Equality Duty Toolkit]</a></p> <p><b>The SRO has agreed these summary findings.</b></p>	<p><b>Yes</b></p>



## Economic Impact Tests

Does your policy option/proposal consider...?	Yes/No (page)
<p><b>Business Impact Target</b></p> <p>The Small Business, Enterprise and Employment Act 2015 (<a href="#">s. 21-23</a>) creates a requirement to assess the economic impacts of qualifying regulatory provisions on the activities of business and civil society organisations. [<a href="#">Better Regulation Framework Manual</a>]</p>	Yes
<p><b>Review clauses</b></p> <p>The Small Business, Enterprise and Employment Act 2015 (<a href="#">s. 28</a>) creates a duty to include a review clause in secondary legislation containing regulations that impact business or civil society organisations.</p>	N/A
<p><b>Small and Micro-business Assessment (SaMBA)</b></p> <p>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. [<a href="#">Better Regulation Framework Manual</a>]</p>	Yes
<p><b>Clarity of legislation</b></p> <p>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><b>Primary Authority</b></p> <p>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. [<a href="#">Primary Authority: A Guide for Officials</a>]</p>	N/A
<p><b>New Burdens Doctrine</b></p> <p>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. [<a href="#">New burdens doctrine: guidance for government departments</a>]</p>	N/A
<p><b>Competition</b></p> <p>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. [<a href="#">Government In Markets Guidance</a>]</p>	N/A

## Social Impact Tests

<p><b>New Criminal Offence Proposals</b></p> <p>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><b>Justice Impact Test</b></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. [<a href="#">Justice Impact Test Guidance</a>]</p>	Yes
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<p><b>Privacy Impacts</b></p> <p>A Privacy Impact Assessment supports an assessment of the privacy risks to individuals in the collection, use and disclosure of information. [<a href="#">Privacy Impact Assessment Guidance</a>] or [Contact the Corporate Security Information Assurance Team Helpline on 020 7035 4969]</p>	N/A
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<p><b>Family Test</b></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. [<a href="#">Family Test Guidance</a>]</p>	N/A
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<p><b>Powers of Entry</b></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. [<a href="#">Powers of Entry Guidance</a>]</p>	N/A
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<p><b>Health Impact Assessment of Government Policy</b></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. [<a href="#">Health Impact Assessment Guidance</a>]</p>	N/A
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## Environmental Impact Tests

<p><b>Environmental Impacts</b></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. [<a href="#">Environmental Impact Assessment Guidance</a>]</p>	N/A
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<p><b>Sustainable Development Impacts</b></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> [<a href="#">Sustainable Development Impact Test</a>]</p>	N/A
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<p><b>Rural Proofing</b></p> <p>Guidance for policy officials to ensure that the needs of rural people, communities and businesses are properly considered. [<a href="#">Rural Proofing Guidance</a>]</p>	N/A
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