

# VIOLENT CRIME REDUCTION BILL

## OVERARCHING REGULATORY IMPACT ASSESSMENT

### 1. PURPOSE AND INTENDED EFFECT OF THE MEASURE

#### **Objective**

The overall objective of the proposed legislation is to provide the police and local communities with the powers they need to tackle guns, knives and alcohol-related violence.

#### **Background**

Violent crime takes many forms, ranging from common assault, often fuelled by alcohol, through to more serious crimes like sexual assaults and crimes where guns, knives and other offensive weapons are used, which can lead to homicide in extreme cases.

Since 1995, domestic and acquaintance violence as reported to the British Crime Survey (BCS) has fallen by 55% and 50% respectively. But stranger violence has remained relatively stable in the same period. Almost half of violent crime is alcohol-related.

Public fear of violent crime and of the possibility of being a victim can escalate, both through the prevalence of high-volume low-level violence, often alcohol-fuelled, and through crimes involving firearms or other weapons which, although less frequent, have a high impact on perceptions of public safety. In addition, sustained media coverage can adversely affect public perceptions of safety and security.

The proposals included in the Bill are part of ongoing work to tackle violent crime in all forms and make the country much safer for its law-abiding citizens.

This overall Regulatory Impact Assessment (RIA) sets out to identify the costs and benefits to business, charities and the voluntary and public sectors arising out of the proposals in the Violent Crime Reduction Bill.

The RIA takes information from 14 individual RIAs and provides the overall costings and benefits of those RIAs. The RIAs are identified below.

#### Guns

- Amendment to firearms legislation to introduce tougher manufacturing standards to ensure that imitation firearms cannot be converted to fire live ammunition;

- Amendment to firearms legislation to ban the sale of primers and reloading equipment used to assemble ammunition to anyone without a valid firearm or shotgun certificate;
- Amendment to firearms legislation to prohibit the sale of imitation firearms to persons under the age of 18 and to ban the import, sale and manufacture of realistic imitations. Also to introduce tougher sentences for the possession of an imitation firearm in a public place without reasonable excuse.
- Amendment to firearms legislation to tighten controls on the misuse of air weapons.

### Guns/Knives

- Creation of a new offence of using other people to hide or carry guns or knives.

### Knives

- Restriction of the sale of knives to under 18 year olds;
- New power for a head teacher to search a pupil for a concealed weapon, on reasonable suspicion;
- Creation of a defence of supplying offensive weapons for the performance, rehearsal or production of film, television or theatre productions.

### Alcohol

- Introduction of a power for police to require an expedited review of a premises licence where the premises are associated with serious crime and disorder and a power for councils to take temporary steps in relation to the licence (including imposing additional conditions) pending the determination of the review;
- A power for police to impose 48-hour closure on pubs, clubs and off licenses persistently selling alcohol to underage drinkers;
- Introduction of on-the-spot 48-hour exclusions to those who represent a public order risk or where there is a risk of involvement in alcohol related disorder/Introduction of a new civil order – a 'Drinking Banning Order' which will allow individuals who are responsible for alcohol-related disorder to be excluded from certain areas and from licensed premises;

- Enable the creation of Alcohol Disorder Zones, where licensed premises will be required to contribute to the costs of dealing with alcohol-related disorder.

### Mobile Telephones

- Amendment to the Mobile Telephones (Re-programming) Act 2002 to make it an offence to offer, or agree to, re-programme mobile phones.

### Sexual Crime

- A power for the detention and/or forfeiture of a vehicle, ship or aircraft used or intended to be used for the purposes of an offence concerned with trafficking into, within, or out of the United Kingdom for sexual exploitation.
- Amendment to s.82 of the Sexual Offences Act 2003.

## **2. RATIONALE FOR GOVERNMENT INTERVENTION**

The risk of not taking action is that violent crime and knife and gun crime will increase, as will alcohol-related disorder leading to greater fear of crime. Below we identify what is already happening.

Many of the measures in the Bill to deal with guns, knives and alcohol-related violence were included in the policy document *Tackling Crime – Forward not Back* and in the manifesto.

### **Alcohol-related crime: Actions so far**

The Alcohol Harm Reduction Strategy for England, published on 15 March 2004, set out how the Government will address the problems associated with alcohol, and is overseen by the Home Office and the Department of Health. Two enforcement campaigns carried out by the police and trading standards officers, the first in 92 police areas during July and August 2004 and the second in 180 police areas during Christmas 2004, targeted both disorderly behaviour and other alcohol-related offences and the illegal sale of alcohol to under-18s.

The first enforcement campaign took place in two phases during the summer of 2004, the first during Euro 2004 and the main phase between 8 July and the end of August. Results from the campaign period show that:

- Police and partners visited more than 30,000 premises (23,551 on and 7,158 off licence);
- 4% of those premises visited were found to have committed an offence;

- Out of 1,781 “sting” operations on targeted establishments, 52% of on licence and 32% of off licence premises were found to be selling to under-18s;
- Police issued 4,120 fixed penalty notices to individuals - 43 % for causing harassment, 44 % for being drunk and disorderly and 13% for other alcohol-related offences;
- In addition to this, 5,744 arrests were made;
- Police confiscated alcohol from 3,301 under-18s and from 6,395 adults in a ‘designated area’;
- 70 dispersal orders were in place by the end of the campaign.

The second campaign took place from 17 December 2004 to 3 January 2005. Results from the campaign period show that:

- Police and partners visited more than 31,000 premises (24,886 on and 6,356 off licence);
- 1.2% of those premises visited were found to have committed an offence;
- Out of 989 sting operations on targeted establishments, 32 % of on licence and 32 % of off licence premises were found to be selling to under-18s;
- Police issued 4,044 fixed penalty notices to individuals - 50% for causing harassment, 44% for being drunk and disorderly, 2% for underage drink offences and 4% for other alcohol-related offences;
- In addition to this, 6,085 arrests were made;
- Police confiscated alcohol from 1,560 under-18s and from 1,290 adults in a ‘designated area’;
- 187 dispersal orders were in place by the end of the campaign.

These figures are only part of the story. Although the campaign ran from Thursday to Sunday night each week, police and trading standards officers were working throughout the week to tackle alcohol-related disorder.

- The Home Secretary has written to individual companies who have been caught as repeat offenders through the test purchasing operations to ask them what they intend to do to address irresponsible and illegal selling of alcohol.

Recent legislative changes have given the police and local authorities additional powers to tackle alcohol-fuelled crime and disorder and poor management of licensed premises which often gives rise to such problems. The Licensing Act 2003 allows police in certain circumstances to confiscate alcohol from people drinking in public.

Through the Tackling Violent Crime Programme, we are also working closely with practitioners in a small number of local areas with high levels of more serious violent crime, in particular alcohol-related and domestic violence, to identify and generate good practice which can then be disseminated across the country.

## **Firearms**

Initiatives to combat the use of firearms include:

- Operation Bembridge, a police-led operation against illegally-held weapons. By June 2004, the first round had resulted in more than 100 arrests of people who had obtained unlawful firearms via the Internet, and the seizure of around 190 firearms, including handguns, stunguns, rifles, shotguns, grenades, CS gas canisters, explosives, ammunition, Class A and Class C drugs and other unlawful items. The second round, in November 2004, resulted in more than 40 further arrests and the seizure of more than 120 illegally-held guns, along with components and ammunition;
- Operation "Crackdown", focusing on guns and drugs, from January to March 2005. In the first four weeks, 71 firearms and 86 replicas were seized, along with 383 rounds of ammunition;
- Powers under the Anti-Social Behaviour Act 2003 and Criminal Justice Act 2003, include a 5 year minimum sentence for illegal possession of firearms and further restrictions on possession and use of firearms;
- A joint ACPO/HMIC/HO action plan focusing on improved data collection, intelligence gathering, law enforcement, community involvement, legislation and powers;
- The Home Office launched the Connected Fund in May 2004: a simple, non-bureaucratic fund to provide grants to small voluntary groups working on gun crime and related issues, supporting 59 projects to date. Projects supported include mentoring schemes, after-school diversionary activities such as sport and music, educational packages and gun crime conferences;
- The launch of the second "Watch Over Me" video on 6 December 2004, designed to educate teenagers away from crime.

## **Offensive weapons**

Existing legislation is in place to prevent the possession and use of knives and other offensive weapons. It is an offence to have an offensive weapon or a knife in a public place without good reason or lawful authority.

Police have powers to stop and search an individual where they have reasonable grounds to believe he is carrying an offensive weapon. These powers were extended under the Criminal Justice and Public Order Act 1994, to enable police to stop and search individuals in anticipation of violence or if they believe offensive weapons are being carried without good reason within a given area

The Criminal Justice Act 1988 banned the manufacture, sale and importation of 15-bladed, pointed and other offensive weapons in addition to gravity and flick-knives – the sale of which was already banned under the Restriction of Offensive Weapons Act 1959. Disguised knives were added to this list in June 2002 and stealth knives and truncheons were added in June 2004

The need for further action has been identified by the general public to enhance what is already being done to reduce violent crime.

### **3. CONSULTATION**

Consultation both within Government and with the public has been undertaken in relation to some of the measures within the Bill. Further details are provided within the individual RIAs where consultation on the implementation of the powers identified in the Bill may be carried out.

### **4. OPTIONS**

The specific options for each measure have been identified in the individual RIAs mentioned above. General options for the Bill are:

- do nothing – this would not reduce violent crime or the fear of crime;
- implement in part – to do this might provide some reduction in crime and fear of crime but would not tackle in full the problems identified;
- implement in full – would provide a package of tools with which to combat violent crime in addition to those already available.

It is recommended that the Bill is implemented in full as implementation in part will not meet the problems described above and would reduce the impact of the legislation.

### **5. COSTS AND BENEFITS**

#### **Business sectors affected**

The business sectors affected are:

## Guns

- Businesses that sell imitation firearms or air weapons;
- Businesses that sell primers and reloading equipment for ammunition.

## Knives

- Retail and DIY sector re sale to under-18s;
- Businesses that supply or hire equipment to TV, film and theatre companies.

## Alcohol

- Licensed businesses in the hospitality and retail industries;
- Glass manufacturers re review of premises.
- Security industry re searching.

## **Costs and benefits**

See Table 1 for information on the costs and benefits of each measure. More detailed figures are contained within the individual RIAs.

**TABLE 1**

<b>Measure</b>	<b>Key benefits of preferred option</b>	<b>Cost</b>
Firearms: Tougher manufacturing standards to prevent conversion of imitations.	<ul style="list-style-type: none"><li>• Will benefit both the police and the community by tackling the problem of convertibility at source.</li></ul>	<ul style="list-style-type: none"><li>• There will be some cost to business in terms of the additional cost of ensuring that tougher specifications are met.</li></ul>
Firearms: Amendment to firearms legislation to prohibit the sale of imitation firearms to under 18s/sale and manufacture of realistic imitations.	<ul style="list-style-type: none"><li>• Significantly reduce the availability of imitation firearms</li><li>• Restrict the availability of such guns to young people who are most likely to misuse them and would reduce crime and fear of crime in communities and reduce the amount of police time spent in dealing with incidents.</li></ul>	<ul style="list-style-type: none"><li>• Sale to under 18's - cost to business – lost profit est. £1.5m-2m (£15m – £20m sales - Assumes a profit rate of 10% on sales of £30-40m total. Assume that 50% of sales are lost).</li><li>• Ban on realistic imitations – cost to business – est. lost profit of £3m-4m (again assuming a 10% profit rate on lost sales of £30-40m).</li></ul>

Firearms: Ban on sale of primers etc.	<ul style="list-style-type: none"> <li>• Will give statutory force to current good practice and ensure that police can take action where primers are sold inappropriately.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimal cost to business as it reflects what most dealers already do in practice.</li> </ul>
Firearms: Amendment to tighten controls on the misuse of air weapons.	<ul style="list-style-type: none"> <li>• Increase in age restriction will prevent misuse by restricting young people's access to air weapons.</li> </ul>	<ul style="list-style-type: none"> <li>• Will affect air gun sales to some extent.</li> <li>• Some cost to CJS in prosecuting and punishing offenders.</li> </ul>
New offence of getting someone to mind a weapon.	<ul style="list-style-type: none"> <li>• Social benefit – will deter older people from introducing others (and particularly young people) to carrying firearms and knives.</li> <li>• Legislation will benefit the wider community as part of the overall programme on reducing gun and knife crime.</li> </ul>	<ul style="list-style-type: none"> <li>• The measure is likely to act as a deterrent but possible costs include a small number of additional prison places for those convicted, where they are not also convicted of another, existing, offence at the same time.</li> </ul>
Knives: Raising the minimum age re sale of knives from 16 – 18.	<ul style="list-style-type: none"> <li>• Social benefit – will prevent young people gaining access to knives – reduce no. of offences being committed by 16-17yr olds using knives.</li> </ul>	<ul style="list-style-type: none"> <li>• Cost to business will be modest - likely to cover staff training and information printing.</li> <li>• Measure is likely to act as a deterrent but there may be a small number of prosecutions for selling a knife to under 18s - will lead to additional costs to the CJS.</li> </ul>
Knives: Introduction of power for headteachers to search pupils for knives.	<ul style="list-style-type: none"> <li>• Will have a social benefit by deterring young people from carrying an offensive weapon in school/protecting other pupils and staff/demonstrating that carrying of offensive weapons will not be tolerated.</li> </ul>	<ul style="list-style-type: none"> <li>• Cost to schools in training staff should be marginal.</li> </ul>
Alcohol: Power to require review of premises – where associated with serious crime/disorder.	<ul style="list-style-type: none"> <li>• Will make towns and cities safer.</li> <li>• Fewer injuries caused by glassing incidents.</li> <li>• Power will help Local Authorities to fulfill statutory duty to do all they reasonably can to reduce crime.</li> <li>• Police will benefit from an</li> </ul>	<ul style="list-style-type: none"> <li>• Will be a cost to industry in meeting requirements + admin costs.</li> <li>• Overall cost of measure (public/private sector) of £3.3m</li> <li>• NB It is particularly hard to estimate with</li> </ul>

	accelerated process.	any great accuracy the costs/benefits of this measure.
Alcohol: 48hr ban for persistent sale of alcohol to under-18s.	<ul style="list-style-type: none"> <li>• Protects children from too early an exposure to alcohol - downstream costs to health/social services/costs of alcohol related crime.</li> <li>• Supports legitimate business.</li> </ul>	<ul style="list-style-type: none"> <li>• £0.6m estimated annual cost to industry.</li> <li>• No cost to Exchequer in terms of legitimate purchases.</li> <li>• NB Profits made during ban vary considerably between different types of business.</li> </ul>
Alcohol: DBOs/48hr exclusions.	<ul style="list-style-type: none"> <li>• Police – measure provides tools to deal with alcohol related disorder.</li> <li>• Will provide safer environment for licensed premises to operate within.</li> </ul>	<ul style="list-style-type: none"> <li>• Possible increase in bureaucracy – (guidelines will be issued to combat this).</li> <li>• Rise in court costs.</li> <li>• Possible increase in use of custody/prison places.</li> <li>• Total cost estimated to be between £5.5m-£32m (NB benefit estimated at £6m-£82m).</li> <li>• Costs to business are expected to be minimal.</li> </ul>
Alcohol: ADZs	<ul style="list-style-type: none"> <li>• Reduction in the costs of alcohol related crime and disorder – to Government and individuals from reduced crime £28m – revenue to Government £1.6m.</li> </ul>	<ul style="list-style-type: none"> <li>• Cost to business: £6.2m voluntary costs/£2.4m compulsory costs.</li> </ul>
Amendment to Mobile Telephones (Re-programming) Act	<ul style="list-style-type: none"> <li>• Will make the existing legislation a more effective law enforcement tool - financial and manpower resources would be significantly lower than at present.</li> <li>• Amending the Act as proposed would lead to better enforcement - would in turn act as a greater deterrent and drive down the number of prosecutions.</li> </ul>	

## Environmental and social impacts

There will no overall environmental or rural impact of the proposed legislation.

The social impacts include: the expectation that the proposals will improve the quality of life for certain communities where there is alcohol-related disorder and crime; a contribution to the reduction in the general public's fear of crime; and a reduction in the violent crime committed against the individual. The social benefits of this Bill are expected to be high.

### **Race equality impact assessment**

Where a racial equality impact has been identified this is considered within individual RIAs. No overall race equality issues have been identified.

### **Compensatory simplification measures**

Since the 2005 Budget, we are asked to propose compensatory simplification measures for business. The reduction in violent crime will in itself provide business with less administrative burdens on it because violent crime does, especially alcohol-related, does affect businesses and the staff of those businesses. By introducing these measures there is expected to be a general benefit to businesses. The individual RIAs, as they develop, will consider what can be done on the issue of simplification.

## **6. SMALL FIRMS IMPACT TEST**

The Small Business Service has been consulted with regard to a number of the measures contained within the Bill. Where necessary, further consultation will take place to assess the impact on small firms.

Most of the measures will have, to a lesser or greater degree, an impact on small businesses.

## **7. COMPETITION ASSESSMENT**

Most measures in the Bill are unlikely to have an effect on competition but this has been considered in the individual RIAs, and amplified where necessary.

## **8. ENFORCEMENT, SANCTIONS AND MONITORING**

Enforcement and sanctions are again dealt with under the individual RIAs. It is expected that local authority trading standards, police and courts will be involved in the enforcement and sanction process. The main sanctions will be for the courts to impose but will vary from fines to a prison sentence. The monitoring bodies will include Crime and Disorder Reduction Partnerships.

## **9. IMPLEMENTATION AND DELIVERY PLAN**

An implementation and delivery plan will be developed, in discussion with stakeholders, to deliver the proposals and will take into consideration the priorities identified by those stakeholders.

## **10. POST-IMPLEMENTATION REVIEW**

We will be reviewing the legislation within 3 years to find out whether it is fully effective and economic. In particular, the review will seek to ensure that the measures are properly targeted and will take into account the principles of transparency, proportionality, accountability and consistency. The review will include consultation with stakeholders. Earlier reviews may take place to identify if changes and/ or improvements should be made to certain sections of the Bill.

## **11. RECOMMENDATION**

It is recommended that Option 3, full implementation of the proposals detailed in this RIA, be pursued.

## **12. DECLARATION AND PUBLICATION**

I have read the Regulatory Impact Assessment and am satisfied that the benefits justify the costs.

**Hazel Blears MP**  
**Minister of State for Policing, Crime Reduction, Community Safety and Counter Terrorism**  
**Home Office**

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