



## Wales Safer Communities Network

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21 March 2023

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## Strengthening the law enforcement response to serious and organised crime

### Introduction

We welcome the opportunity to respond to the consultation. Our comments do not fit within the set survey questions so we are providing our comments below.

### Consultation Comments

- Whilst we do not disagree with the proposed new offences definition of serious crime, it did raise a question about why other legislation was not being updated with the same definition. It was also raised by a Network member that serious crime was being defined centrally but serious violence was expected to be defined locally under the serious violence duty. There was a suggestion that the definition did not go far enough as it may still leave a gap for attempts or conspiracies to perform any of those offences. There was also a question raised on the possible impact the definition will have on police operations and/or sentencing, and if this may lead to unintended consequences on the definition of seriousness or would purely impact on policy development.
- There are benefits and disadvantages to both option 1 and option 2 (Question 2), but there was a general feeling that option 2 may give the flexibility to respond to a changing landscape and the alternative methods and resources being utilised by those involved in serious and organised crime. The risk being that in the time the legislation takes to update the articles that the current issue the legislation is trying to resolve will continue for the new articles. Those we engaged with were keen that the legislation needs to be strong, robust and sustainable.
- We think that it is very difficult to sometimes be able to differentiate between serious and organised crime and serious offences against a person as there can often be crossover (question 5). To avoid any potential gaps that offenders may fall through we would suggest that serious crime needs to include both serious and organised crime and serious offences against a person. This was especially identified for the making of gun components using 3D printers.

- New civil powers (question 14) alongside the new criminal offences may add to the burden on resourcing but enabling seizure and forfeiture of articles intended for use in serious crime would limit the availability of those articles for those purposes.
- In consultation with members it was felt appropriate to enable HMRC, NCA, Police in all cases and the British Transport Police to be able to apply to the high court for an SCPO following consultation with the CPS (Question 16).
- In principle, the members agreed with the idea of enabling the Crown Court to make an SCPO on acquittal on application from the CPS or the SFO. However, there was concern raised in that members wouldn't want this to be seen as an alternative for not offering further evidence and not hearing the case. Concern was also raised that this could be an opportunity for this to be an option to not put something through to trial. The fact it would mirror current legislation for harassment and potentially save time and money was however identified as a benefit.
- Electronic monitoring was identified as a useful tool, especially where tracking could be utilised appropriately. However, resourcing and costs involved, along with additional funding for the electronic monitoring devices (and for other resources to deliver this) were raised as existing budgets are under constraints and pressure. It was felt more information was needed to be able to provide a full response such as at what stage in processes would this be applied pre, during or post prosecution. As well as more detail on what threshold would need to be met to satisfy the courts that this is a proportionate means for monitoring.
- In discussion with Network members it was seen as reasonable to have consistent requirements through a prescribed set of notification requirements (Question 23) and those put forward in the consultation would appear to be appropriate at this point in time.
- There was discussion about the lack of mention around partnership working when it came to suggested legislative measures. The landscape for tackling serious and organised crime is often a multi-disciplinary approach involving devolved and reserved agencies with a common aim of safeguarding and protecting communities and individuals who live, work and visit Wales. It was especially identified that there was the potential to enable the dovetailing of work to eliminate serious and organised crime along with that to prevent serious violence.

Should you wish to discuss any of the above or we can be of further assistance please do not hesitate to get in touch.

### **Introduction to the Wales Safer Communities Network**

The Wales Safer Communities Network was established in January 2021 following the recommendations of the Welsh Government's Working Together for Safer Communities Review. The Network aims to become the strategic voice for community safety in Wales, working collaboratively to champion and support community safety partnership working, and influence the shaping and development of national policy and local practice.

Yours sincerely

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