

LEGISLATIVE CONSENT MEMORANDUM

ANTISOCIAL BEHAVIOUR, CRIME AND POLICING BILL

PROVISIONS RELATING TO FINANCIAL CONTROLS ON CHIEF CONSTABLES IN WALES

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for a purpose that falls within, or modifies the legislative competence of the National Assembly.
2. The Anti-social Behaviour, Crime and Policing Bill (the “Bill”) was introduced in the House of Commons on 9 May 2013. The Bill can be found at: [Bill Documents - Anti-social Behaviour, Crime and Policing Bill 2013-14 – UK Parliament Website](#)

Summary of the Bill and its Policy Objectives

3. The Bill is sponsored by the Home Office. The UK Government’s policy objectives for the Bill are to create new and simpler powers to tackle anti-social behaviour, encourage responsible dog ownership, tackle the use of illegal firearms by gangs and organised crime groups, make forced marriage illegal and improve professional standards of the police
4. The Bill makes provision for condensing the current 19 orders to 6 new orders to deal with anti-social behaviour; provides victims of anti-social behaviour with the ability to ensure action is taken; allows for the mandatory repossession of secure tenancies where the tenant is in breach of one of the new orders; amends the Dangerous Dogs Act 1991 to extend its provisions to private property; increases the maximum penalty for the importation and exportation of firearms; creates a new offence of possession for sale or transfer of firearms; makes forced marriage illegal; creates a new College of Policing, and also makes provisions relating to the financial controls on chief constables and extending the powers and remit of the Independent Police Complaints Commission.

Provisions in the Bill for which consent is sought

5. The Bill makes provision to apply sections 6, 7, 9-11, 13-18, 20-22 and 24(1) and (2)(b) of the Local Government Act 2003 (“the 2003 Act”), which sets out a framework for capital finance controls of local authorities, to chief constables.

6. The Bill extends to Wales.
7. The provision to apply these sections of the 2003 Act to Chief Constables will:
 - result in lenders not having to check whether Chief Constables have the power to borrow;
 - impact how capital receipts may be used by Chief Constables;
 - set out conditions around the borrowing arrangements for Chief Constables;
 - require Chief Constables to provide the Welsh Ministers with any information that they require on capital finance and accounts;
 - require Chief Constables to have due regard to any guidance issued by the Welsh Ministers relating to capital finance and accounts;
 - extend the bodies subject to Welsh Ministers' regulations and guidance in relation to accounting arrangements so as to include chief constables.

Note: Part 1 of the Local Government Act 2003 contains Welsh Ministers' regulation-making powers. Regulations made by the Welsh Ministers under the relevant sections of Part 1 of the Local Government Act 2003 will apply in relation to chief constables as they apply to local authorities in Wales. These are not new regulation-making powers and will continue to be subject to annulment in pursuance of a resolution of the National Assembly as per the provisions of the Local Government Act 2003.

8. A Chief Constable is appointed by the Police and Crime Commissioner (PCC) for the police area, and is held to account for the exercise of his functions by the PCC. There is also provision in the Bill which limits the borrowing powers of a Chief Constable and prohibits a Chief Constable from entering into credit arrangements unless it is for the purpose of an external fund which is considered appropriate.
9. It is the view of the Welsh Government that these provisions fall within the legislative competence of the National Assembly for Wales in so far as they relate to the “audit, examination, regulation and inspection of auditable public authorities” under paragraph 14 of Part 1 of Schedule 7 to the Government of Wales Act 2006.

Advantages of utilising this Bill

10. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most appropriate and proportionate legislative vehicle to enable these provisions to apply in relation to Wales to make Chief constables subject to the same controls as local authorities.

Financial implications

11. There are no anticipated financial implications for the Welsh Government

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