

Appendix A

Public Protection Partnership use of the Asset Recovery Incentivisation Scheme (ARIS) – Supporting Information

1. Introduction/Background

- 1.1. The PPP governance arrangements require that strategic direction and key decisions are taken by the Joint Committee. The key decision in this case is the adoption of a policy to address the use of the Asset Recovery Incentivisation Scheme (ARIS).
- 1.2. ARIS applies in 2 circumstances; where there are 4 indictable offences and the benefit of the crime is over £5k or where someone is engaged in an activity where they are considered to have a criminal lifestyle e.g. the sale of counterfeit goods or committing serious offences over a sustained period of time.
- 1.3. The Home Office recommend that investigating authorities have a robust management process in place to ensure that prosecuting authority's decisions to prosecute are not motivated by financial gain. This includes having a robust basis for decision making. In the case of prosecuting authorities acting on behalf of the PPP they are required to apply the tests set out in the Code for Crown Prosecutors i.e. the evidential and public interest tests.
- 1.4. ARIS can be used in a number of ways e.g. additional financial investigators, surveillance equipment and other crime prevention measures.
- 1.5. It is clear that ARIS cannot be used for any other purpose e.g. supporting existing revenue costs.
- 1.6. Partner authorities have already been successful in using ARIS to achieve improved crime prevention through additional resources in supporting vulnerable people.

2. Supporting Information

- 2.1. The Home Office produces a range of guidance on how to implement ARIS and the report is designed to link in the guidance to the PPP operating model.
- 2.2. The ARIS report at Appendix B details the specific requirements laid out by Home Office in respect of accounting for ARIS monies. Effectively all money is treated as a grant, held in a reserve and an annual return is submitted to the Home Office.

3. Options for Consideration

3.1. Not implementing policy on use of ARIS:

- Failure to clearly identify the way in which the PPP will operate on ARIS matters could undermine the case management process i.e. defendants and their representatives could argue that there was a financial motivation to take the case.
- Failure to give clarity on how monies recovered are to be allocated could cause the PPP problems in the future, specifically around investment priorities and meeting home office rules.
- Lack of clarity around covering disbursements could result in unnecessary budget pressures at some point in the future.

4. Proposals

4.1. To agree the principles outlined in the ARIS report and adopt it as policy.

5. Conclusion

5.1. It is important that the PPP is clear on how it applies ARIS.

5.2. The positive use of ARIS monies to prevent crime and benefit local communities is central to the overall PPP objectives.

6. Consultation and Engagement

6.1. The nature of the report does not merit external consultation at this stage however it may be beneficial to engage with local organisations who have links to crime prevention to discuss the merits of the Public Protection Community Fund should the report be agreed by the Committee.

PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – **Community Protection**
- 2 – **Protecting and Improving Health**
- 3 – **Protection of the Environment**
- 4 – **Supporting Prosperity and Economic Growth**
- 5 – **Effective and Improving Service Delivery**

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Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

“(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:

(i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.

(2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(3) Compliance with the duties in this section may involve treating some persons more favourably than others.”

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?

- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Committee to make:	To agree a policy on ARIS.
Summary of relevant legislation:	N/A
Does the proposed decision conflict with any of the partnerships key objectives?	No
Name of assessor:	Steve Broughton
Date of assessment:	10/02/17

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To identify how the PPP will use any monies recovered as part of investigating and prosecuting criminal activity.
Objectives:	Open and transparent priorities around ARIS.
Outcomes:	Enable to PPP to reduce crime and benefit the community.
Benefits:	Deliver additional projects and enhance staff capacity for crime prevention activity.

<p>2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race,</p>

Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	
Gender Reassignment	None	
Marriage and Civil Partnership	none	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Any assessment of how to spend monies recovered would be based around crime prevention.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: Use of ARIS is designed to make a positive contribution to local communities.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

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Date: 3 March 2017