

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Third Delegated Legislation Committee

## DRAFT POLICE POWERS OF DESIGNATED CIVILIAN STAFF AND VOLUNTEERS (EXCLUDED POWERS AND DUTIES OF CONSTABLES) REGULATIONS 2018

*Monday 19 March 2018*

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**The Committee consisted of the following Members:**

*Chair:* DAME CHERYL GILLAN

- |  |   |
|--|---|
| † Adams, Nigel ( <i>Lord Commissioner of Her Majesty's Treasury</i> )      | McKinnell, Catherine ( <i>Newcastle upon Tyne North</i> ) (Lab) |
| † Brereton, Jack ( <i>Stoke-on-Trent South</i> ) (Con)                     | † Malhotra, Seema ( <i>Feltham and Heston</i> ) (Lab/Co-op)     |
| † Clarke, Mr Simon ( <i>Middlesbrough South and East Cleveland</i> ) (Con) | † Menzies, Mark ( <i>Fylde</i> ) (Con)                          |
| † Dakin, Nic ( <i>Scunthorpe</i> ) (Lab)                                   | † Morris, David ( <i>Morecambe and Lunesdale</i> ) (Con)        |
| † Ford, Vicky ( <i>Chelmsford</i> ) (Con)                                  | † Penrose, John ( <i>Weston-super-Mare</i> ) (Con)              |
| † Grant, Bill ( <i>Ayr, Carrick and Cumnock</i> ) (Con)                    | † Smith, Eleanor ( <i>Wolverhampton South West</i> ) (Lab)      |
| † Haigh, Louise ( <i>Sheffield, Heeley</i> ) (Lab)                         | † Sobel, Alex ( <i>Leeds North West</i> ) (Lab/Co-op)           |
| † Hurd, Mr Nick ( <i>Minister for Policing and the Fire Service</i> )      | Peter Stam, <i>Committee Clerk</i>                              |
| Jones, Graham P. ( <i>Hyndburn</i> ) (Lab)                                 |   |
| Kyle, Peter ( <i>Hove</i> ) (Lab)  | † <b>attended the Committee</b>                                 |

## Third Delegated Legislation Committee

Monday 19 March 2018

[DAME CHERYL GILLAN *in the Chair*]

### Draft Police Powers of Designated Civilian Staff and Volunteers (Excluded Powers and Duties of Constables) Regulations 2018

4.30 pm

**The Minister for Policing and the Fire Service (Mr Nick Hurd):** I beg to move,

That the Committee has considered the draft Police Powers of Designated Civilian Staff and Volunteers (Excluded Powers and Duties of Constables) Regulations 2018.

It is a great pleasure to serve under your chairmanship, Dame Cheryl. Given the temperature in the room I shall be brisk. The regulations were laid before the House on 7 February. Chapter 1 of part 3 of the Policing and Crime Act 2017 amends section 38 of the Police Reform Act 2002 to enable civilians employed by police forces to be designated as having additional police powers. The reforms also for the first time enable volunteers, under the direction and control of a chief police officer, to be designated as having powers. Part 1 of schedule 3B to the Police Reform Act 2002 sets out a list of powers that are reserved solely for use by constables, and which cannot be used by police staff or volunteers. It includes some of the most intrusive powers available to constables, such as stop and search, and arrest.

When we consulted on the reforms in 2015, the Police Federation proposed the removal of one of the original powers of detention officers that was made available in 2002—that of carrying out an intimate search when a medical professional is not available. While the number of intimate searches conducted by police staff rather than constables is very low—three instances nationally in the past 15 years—it is an intrusive power, and Ministers committed, in Parliament, to restrict its use.

Unfortunately, owing to an oversight in the drafting process, the Act does not restrict the use of the power; so the draft regulations would add the power to undertake an intimate search under section 55(6) of the Police and Criminal Evidence Act 1984 to the list of excluded powers and duties. As with the other powers on the list, they are reserved solely for use by constables, and cannot be used by police staff or volunteers. The addition to the list of the power to conduct an intimate search will ensure that the most intrusive powers remain available only to police officers, thus preserving the office of constable as central to the delivery of policing in England and Wales. The draft regulations deliver the full intent of the measures already approved by Parliament in the previous Session and on that basis I commend them to the Committee.

4.32 pm

**Seema Malhotra** (Feltham and Heston) (Lab/Co-op): It is a pleasure to serve under your chairship, Dame Cheryl.

I welcome the regulations, which amend section 38 of the Police Reform Act 2002. That section enables civilians employed by police forces, or police volunteers, to be designated as having additional police powers. As we have heard, the regulations insert the power to conduct an intimate search into the list of reserved powers in part 1 of schedule 3B, thus prohibiting chief officers from designating it as a power of staff or volunteers. That is important, as the addition of that power to conduct an intimate search to the list will ensure that the most intrusive powers remain available only to police officers.

Will the Minister explain how the way the power is to be designated will be communicated, so that it is clear? Can he include in his answer the regulations on conducting an intimate search, ensuring that there are appropriate safeguards and keeping appropriate records? The wider principles on supporting designated civilian staff and volunteers can be helpful in particular areas of policing in our communities. That approach provides sustainability and continuity of relationship between police and the community.

For all powers in all circumstances, there must be clear safeguards and clear communication, so that there can be no circumstance where volunteers are put in a difficult, distressing or inappropriate situation, and so that constables are also clear as to their role. It is right that the measure also preserves and makes clear that the office of constable is central to the delivery of policing locally.

4.34 pm

**Louise Haigh** (Sheffield, Heeley) (Lab): I support what my hon. Friend the Member for Feltham and Heston has said. She raises important questions. It is right that the power should go only to fully warranted police employees, so the Opposition fully support the regulations.

4.35 pm

**Mr Hurd:** I thank the hon. Member for Feltham and Heston for her support for the draft regulations. In answer to her reasonable question about how guidance should be issued to police forces, I can reassure her that although in practice very few intimate searches have been conducted by police staff nationally—three in 15 years, as I said—we agree on the need to ensure that police forces are aware of the changes. The Government do not consider it necessary to issue guidance on the regulations to relevant stakeholders, but we will ensure, through the national policing lead for custody, that the small number of forces that use the power are made aware of the change, which will make any existing designations ineffective. The wider point, which the hon. Member for Sheffield, Heeley, echoed in almost exactly the same language, is that the main thrust of the draft regulations is to preserve the office of constable as central to the delivery of policing in England and Wales.

*Question put and agreed to.*

4.36 pm

*Committee rose.*