

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Ninth Delegated Legislation Committee

DRAFT POLICE AND CRIMINAL EVIDENCE  
ACT 1984 (CODES OF PRACTICE) (REVISION OF  
CODE A) ORDER 2022

*Tuesday 13 December 2022*

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

*Chair:* MRS PAULINE LATHAM

- |   |  |
|---|--|
| † Butler, Rob ( <i>Aylesbury</i> ) (Con)                                | † Mann, Scott ( <i>Lord Commissioner of His Majesty's Treasury</i> ) |
| † Cairns, Alun ( <i>Vale of Glamorgan</i> ) (Con)                       | Maskell, Rachael ( <i>York Central</i> ) (Lab/Co-op)                 |
| † Duffield, Rosie ( <i>Canterbury</i> ) (Lab)                           | Menzies, Mark ( <i>Fylde</i> ) (Con)                                 |
| † Elmore, Chris ( <i>Ogmore</i> ) (Lab)                                 | † Philp, Chris ( <i>Minister for Crime, Policing and Fire</i> )      |
| † Everitt, Ben ( <i>Milton Keynes North</i> ) (Con)                     | † Richardson, Angela ( <i>Guildford</i> ) (Con)                      |
| † Greenwood, Margaret ( <i>Wirral West</i> ) (Lab)                      | † Simmonds, David ( <i>Ruislip, Northwood and Pinner</i> ) (Con)     |
| † Hillier, Dame Meg ( <i>Hackney South and Shoreditch</i> ) (Lab/Co-op) | † Sunderland, James ( <i>Bracknell</i> ) (Con)                       |
| † Jones, Sarah ( <i>Croydon Central</i> ) (Lab)                         | Huw Yardley, <i>Committee Clerk</i>                                  |
| Lewell-Buck, Mrs Emma ( <i>South Shields</i> ) (Lab)                    | † <b>attended the Committee</b>                                      |
| † Malthouse, Kit ( <i>North West Hampshire</i> ) (Con)                  |  |

# Ninth Delegated Legislation Committee

Tuesday 13 December 2022

[MRS PAULINE LATHAM *in the Chair*]

## Draft Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Code A) Order 2022

9.25 am

**The Minister for Crime, Policing and Fire (Chris Philp):** I beg to move,

That the Committee has considered the draft Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Code A) Order 2022.

It is a pleasure, as always, to serve under your chairmanship, Mrs Latham. The order was laid in draft before Parliament on 13 October and will bring into effect a revised code of practice issued under section 66 of the Police and Criminal Evidence Act 1984. This is PACE code A, which governs the exercise by police officers of powers to stop and search a person without first arresting them.

For England and Wales, PACE sets out the core powers of the police to prevent, detect and investigate crime. The exercise of those powers is subject to codes of practice, or PACE codes, which the Secretary of State is required to issue and which put in place important procedural safeguards.

We propose to amend PACE code A, on police powers to stop and search individuals subject to serious violence reduction orders, which I shall refer to henceforth as SVROs. Inserted into the sentencing code by the Police, Crime, Sentencing and Courts Act 2022, SVROs are civil orders that give the police powers to stop and search individuals convicted of a knife offence where the court makes an SVRO. To be clear, an SVRO is handed down by a court only after someone has been convicted of a knife crime.

The Government are determined to crack down on knife crime, which is why SVROs were introduced. An SVRO allows the police to search a person who is the subject of such an order without suspicion, but I re-emphasise to the Committee that they apply only to people who have been convicted of a knife offence when the court has made an order in the interests of public safety. They are designed to deter habitual knife carriers from reoffending, as well as to protect the public, who might otherwise be the victims of knife crime and knife attacks.

It is vital that we build an understanding of how SVROs work in practice, so they will be piloted in four areas: the West Midlands, Merseyside, Sussex and Thames Valley police force areas. The pilot will be independently evaluated before a decision is made about whether to roll the powers out. I should pause to pay tribute to my right hon. Friend the Member for North West Hampshire who, as Policing Minister, did a huge amount of work to develop this concept. I see that serendipitously he is a member of the Committee today.

We have proposed the revisions to PACE code A to ensure proper guidance and safeguards on the use of the new stop-and-search power during the pilot. We ran a statutory consultation over six weeks on the proposed revisions, which introduce a new temporary annex G that deals with searches in relation to SVROs. In particular, the new annex highlights that the power does not require officers to have prior reasonable grounds but that its use must not be based on prejudice, that searches can be conducted only on those subject to an SVRO—to emphasise the point again, that means people who have been convicted of a knife crime and in respect of whom the court has decided that an SVRO is appropriate—and that officers should seek to confirm the identity of the individual to make sure they do not search somebody as a result of mistaken identity.

The revision to the code outlines that the use of the power, like all other stop-and-search powers, is discretionary. Officers are not obliged or compelled to search the person, but they are expected to use their judgment when choosing when to search using the SVRO. The annex will apply for 24 months plus an additional six-month transition period, although if we can draw conclusions sooner, which I hope we might be able to, we might come back to the House and shorten the pilot.

**Margaret Greenwood (Wirral West) (Lab):** The Minister is touching on the point that I wanted to raise with him. Given the issues of disproportionality, such as in respect of ethnicity and gender, would he consider it useful to have a review at the six-month point? Two years is quite a long time for problems to develop; what are his thoughts on having a six-month point at which to look at the data?

**Chris Philp:** I thank the hon. Lady for her question. Six months is quite a short time: we have to wait for the court to make the orders—this will apply only when the orders are made—and then we will have to wait to see what happens on the streets thereafter. My instinctive view is that 24 months is a long time and it would be good to draw lessons sooner, in part in case any issues such as those she mentioned arise, and in part because if this measure does work, as I hope and expect it will, we want to roll it out as quickly as possible. I do not want to commit to a six-month review, because that is a short period, but I do indicate flexibility: if we can draw conclusions faster than 24 months, we definitely should do, for the two different reasons the hon. Lady and I have mentioned.

The amendments to the code also outline the territorial extent of the use of the powers, which is across all of England and Wales. However, the intention at first is that the SVROs will be issued only in the four pilot areas that I mentioned. Of course, if someone receives an SVRO in one of the four areas but goes somewhere else, clearly the order will still apply if they leave the particular area concerned.

On the question of disproportionality, which the hon. Member for Wirral West touched on a moment ago, and its impact on particular communities, our aim is that the orders will enable police to take a more targeted approach, because by definition they will be using the powers only in relation to people who have been convicted of a knife offence and where the court has deemed it necessary to make an SVRO. That is very targeted.

**Rob Butler** (Aylesbury) (Con): I served for 12 years as a magistrate, before coming to this place, and I was involved in imposing other types of civil orders, such as antisocial behaviour orders. There are strict criteria. Will the Minister say anything—in Committee or subsequently—about the factors that a court will take into consideration when deciding whether to impose an SVRO? That might provide reassurance to any people with doubts. My experience is that courts take such matters extremely seriously before imposing an order of this type.

**Chris Philp:** I thank my hon. Friend for his intervention and pay tribute to his work over so many years as a magistrate, and as a director of Her Majesty's Prison and Probation Service, if memory serves me correctly. His experience is valuable in debates such as this. It is for the court to decide whether to give an SVRO following conviction, based on its assessment of the risk that the individual poses to the community. If the court is concerned that the risk to the community is ongoing because someone is thought to be a habitual knife-carrier or otherwise a risk to the public, it has the option of issuing an SVRO.

This is an important measure because knife crime affects many individuals, many parts of the country and many communities. Typically, a knife is used in between 200 and 300 homicides per year, significantly contributing to the homicide rate, and many serious injuries are caused by knives. Both the shadow Minister and I have tragically seen that in our own borough of Croydon, sadly on a rather too frequent basis. I hope that the SVROs, if successful and rolled out, will help to stop such tragedies.

The revised code of practice was laid before Parliament with the draft order and an explanatory memorandum. Subject to the order being approved by both Houses, the revised code will come into force on 17 January 2023. That date, I should highlight, is not a fixed date for the commencement of the SVRO pilot—it will not start on that day. We are looking to ensure that all the relevant secondary legislation is in place so that the pilot can commence relatively early in 2023.

I feel strongly that this is an extremely important set of powers that will enable the police, on a very targeted basis, to search people who have a history of carrying knives. That will protect our community, and in particular it will protect communities who may be searched disproportionately, because they are, sadly, also disproportionately victims of these offences. It is to protect that community and others that we are introducing the measures. I commend the order to the Committee.

9.35 am

**Sarah Jones** (Croydon Central) (Lab): It is a pleasure to serve under your chairmanship, Mrs Latham.

The Opposition do not oppose the order, but I want to raise a few questions and concerns. First, we must look at the history of SVROs and knife crime prevention orders, which were the starting point. We have now had three different types of this kind of civil order placed on people to try to reduce knife crime and serious violence. Knife crime prevention orders were introduced in 2019. The pilot did not start until July 2021 and I think it has only just finished, so we are three years into something that has not yet started. I question the Minister's ability to get some of these things done in the timescale that he

suggests. I am not saying for one minute that the Government should rush the pilots, though, because they should not.

The big question is about the serious violence reduction orders being limited to four areas but the measures applying nationally, which the Minister mentioned. That was an issue of concern in the Lords. It would be helpful for the Minister to explain whether he knows yet how it will work. When a serious violence reduction order is placed on somebody, through what mechanism will other police forces know that they have the order and can then be stopped? Obviously, the police will not be able to stop anyone unless they are under such an order, so how do we make sure they stop the right people? If a Met officer wants to stop someone they think is the subject of an order, how would they know? How would that work?

The second concern is about the pilot itself. We do not have time this morning—we have done it many times before—to go over the disproportionality issues, but they are vast. Every single survey ever done of any kind of police stop and search shows a level of disproportionality. The concern is that that will apply in this case as well. Will the Minister say more about how the pilot will be independently evaluated and what that means? Is a university or some kind of organisation involved? How will the pilot be repeated? There are lots of different ways of measuring a pilot, but the disproportionality that may be there will be missed if it is not evaluated properly.

**Margaret Greenwood:** My hon. Friend is making really important points. Does she agree that the point about disproportionality is that we want strong measures to tackle violent crime? It is a huge issue in some parts of my constituency. It is about the credibility of the programme, is it not?

**Sarah Jones:** I agree 100%. Knife crime peaked a couple of years ago at levels never seen before. We all want to see the numbers come down. My point about knife crime prevention orders is that they were hailed in 2019 as the answer to serious violence and they have not even started yet. We have to make sure that these things are done properly.

When SVROs were introduced and debated as part of proceedings on the Police, Crime, Sentencing and Courts Bill, the Opposition raised lots of concerns about their disproportionality and about police officers completing the College of Policing training on stop and search. There is very good training and guidance from the College of Policing on stop and search and we ask that police officers who are to use the new powers be trained.

We also need to make sure that the pilot is evaluated before any decision is made to permanently roll out SVROs. It would be good if the Minister could say, "If these do not work, we are prepared to look at something else and try something else if we find that the disproportionality or the effectiveness is not what we expected." As I said, we will not oppose the order, but it would be helpful if the Minister could answer some of those questions.

9.40 am

**Chris Philp:** I thank the shadow Minister—my constituency neighbour—for the support of the Opposition, or the lack of opposition, that she offered. She asked

[Chris Philp]

about knife crime prevention orders, the pilot for which is concluding shortly in a number of force areas, including that of the Metropolitan police. It was delayed somewhat because of covid, as I am sure Members will understand. When it concludes the pilot will be evaluated and, if it works, rolled out more widely.

It is worth mentioning that knife crime prevention orders are only one element of our work against knife crime, which, as recorded by the police, has dropped about 10% in recent years. Chief constables are directing many of the extra officers—so far about 15,000—towards fighting knife crime. We have a number of initiatives designed to do that, including violence reduction units, the grip policing programme, which targets knife crime hotspots, and other initiatives. Collectively, they are receiving £130 million of funding this year. There is, then, a lot of work going on in respect of knife crime, and I again pay tribute to my predecessor but three, my right hon. Friend the Member for North West Hampshire, for initiating those programmes. They are beginning to work.

On the question about territorial application and what happens outside the four pilot areas, we would expect police forces in the four pilot areas to share information with other force areas in case a person turns up there. The vehicle for doing that is most likely to be the police national computer, which holds data of that kind.

The shadow Minister asked about disproportionality, which comes up a lot. We do not have time to debate it exhaustively, but I will say that young black people are 24 times more likely to be murdered using a knife than those from other communities. That community has a disproportionate number of victims and it is with their safety particularly in mind that we are trying to fight knife crime. When evaluating questions of disproportionality, it is also important to consider the geographical areas where knife crime occurs, because it is not spread evenly around the country.

We will evaluate the pilot carefully. As the shadow Minister suggested, there is an independent evaluator called Ecorys, which will be gathering the data necessary to assess the impact of the orders viewed in the round. Once we have considered that, we will lay a report before Parliament so that it can consider and debate its findings and reach a view. I hope I have addressed the shadow Minister's questions.

This is an important initiative. It is not a silver bullet—it will not fix knife crime on its own—but it is an important part of the Government's work to fighting this terrible type of crime that is taking so many young lives on our streets.

*Question put and agreed to.*

9.44 am

*Committee rose.*



