

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### CRIME AND POLICING BILL

*Second Sitting*

*Thursday 27 March 2025*

*(Afternoon)*

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Examination of witnesses.

Adjourned till Tuesday 1 April at twenty-five minutes past Nine o'clock.

Written evidence reported to the House.

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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**Monday 31 March 2025**

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

*Chairs:* † SIR ROGER GALE, EMMA LEWELL, DR ROSENA ALLIN-KHAN

|  |   |
|--|---|
| † Barros-Curtis, Mr Alex ( <i>Cardiff West</i> ) (Lab)                                   | † Platt, Jo ( <i>Leigh and Atherton</i> ) (Lab/Co-op)                 |
| † Bishop, Matt ( <i>Forest of Dean</i> ) (Lab)   | † Rankin, Jack ( <i>Windsor</i> ) (Con)                               |
| † Burton-Sampson, David ( <i>Southend West and Leigh</i> ) (Lab)                         | † Robertson, Joe ( <i>Isle of Wight East</i> ) (Con)                  |
| † Cross, Harriet ( <i>Gordon and Buchan</i> ) (Con)                                      | † Sabine, Anna ( <i>Frome and East Somerset</i> ) (LD)                |
| † Davies-Jones, Alex ( <i>Parliamentary Under-Secretary of State for Justice</i> )       | † Sullivan, Dr Lauren ( <i>Gravesham</i> ) (Lab)                      |
| † Johnson, Dame Diana ( <i>Minister for Policing, Fire and Crime Prevention</i> )        | † Taylor, David ( <i>Hemel Hempstead</i> ) (Lab)                      |
| † Jones, Louise ( <i>North East Derbyshire</i> ) (Lab)                                   | † Taylor, Luke ( <i>Sutton and Cheam</i> ) (LD)                       |
| † Mather, Keir ( <i>Selby</i> ) (Lab)  | † Vickers, Matt ( <i>Stockton West</i> ) (Con)                        |
| Phillips, Jess ( <i>Parliamentary Under-Secretary of State for the Home Department</i> ) | Kevin Maddison, Claire Cozens, Adam Evans,<br><i>Committee Clerks</i> |
|  | † <b>attended the Committee</b>                                       |

**Witnesses**

Christopher Morris, Deputy Head of Research and Policy, Union of Shop, Distributive and Allied Workers

Paul Gerrard, Campaigns and Public Affairs Director, Co-operative Group

Graham Wynn, Assistant Director for Consumer, Competition and Regulatory Affairs, British Retail Consortium

Baroness Newlove, Victims' Commissioner

Suky Bhaker, Chief Executive Officer, Suzy Lamplugh Trust

Dan Sexton, Chief Technology Officer, Internet Watch Foundation

Sharon Maciver, Director of Child Criminal Exploitation, Action for Children

Councillor Sara Conway, Member of the Safer and Stronger Communities Board, Local Government Association, and Cabinet Member for Community Safety and Resident Participation, Barnet London Borough Council

Councillor Neil Garratt AM, Leader of the Conservative group, London Assembly

Emily Spurrell, Chair, Association of Police and Crime Commissioners

Matthew Barber, Police and Crime Commissioner for Thames Valley

Roger Hirst, Police, Fire and Crime Commissioner for Essex

Dr Lawrence Newport

Sam Durham, Chief Land Management Adviser, National Farmers Union

Venita Yeung, Fight for Freedom. Stand with Hong Kong.

Rt Hon Dame Diana Johnson MP, Minister for Policing, Fire and Crime Prevention, Home Office

Alex Davies-Jones MP, Parliamentary Under-Secretary of State for Justice

## Public Bill Committee

Thursday 27 March 2025

(Afternoon)

[SIR ROGER GALE *in the Chair*]

### Crime and Policing Bill

2 pm

**The Chair:** Good afternoon, ladies and gentlemen. First, and most important of all, if Members wish to remove their jackets, they may do so—those who have not already pre-empted the instruction.

I remind Members that questions are not limited to what is in the brief, but they must be within the scope of the Bill. In line with the morning sitting, for each panel of witnesses, I will call the shadow Minister to ask the first question, then the Minister, then the Liberal Democrat spokesman, and then box and cox backwards and forwards across the room. If anyone wishes to speak, please let me know—catch my eye; we are not mind readers—and we will do the best we can to accommodate everyone. We have to stick to the cut-off time specified in the programme resolution, so I will have no choice and will have to interrupt the questioning at the appropriate time.

I remind Members—we will do this in a moment—any relevant interests need to be declared, when speaking in Committee and tabling amendments. I am sorry to have to tell you that hot drinks are not permitted in the Committee Room. I did ask—I thought it was slightly more relaxed, but I am told I am wrong. They are certainly not permitted when the Committee is sitting.

Before we start hearing from witnesses, do any Members need to make a declaration of interest in connection with the Bill?

**Matt Bishop** (Forest of Dean) (Lab): I remind the Committee that I am a former police officer and current member of NARPO, the National Association of Retired Police Officers.

#### Examination of Witnesses

*Christopher Morris, Paul Gerrard and Graham Wynn gave evidence.*

2.2 pm

**The Chair:** We will now hear oral evidence from the Union of Shop, Distributive and Allied Workers, the Co-op Group and the British Retail Consortium. We have until 2.40 pm for this panel. Starting from my left, will you introduce yourselves for the record?

**Graham Wynn:** I am Graham Wynn from the British Retail Consortium.

**Christopher Morris:** I am Chris Morris from USDAW.

**Paul Gerrard:** I am Paul Gerrard from the Co-operative Group.

**Q42 Matt Vickers** (Stockton West) (Con): I have a lot of history with this Bill and familiar faces to me. I am delighted to see the assault on a retail worker offence, but what more do you think we can do to protect retail workers? Do you have any thoughts on the Food and Drink Wholesale UK suggestion that we should have included a similar offence for wholesale workers?

**Christopher Morris:** USDAW has membership in the wholesale sector—we have recognition agreements with Booker and Makro, and Bestway—and I think there is scope for that. People have to be registered to attend wholesale, so they have a card and the wholesaler knows who they are; so initially you might think that would restrict the likelihood of threats, abuse and violence against wholesale workers, but quite commonly we find that there are still issues there. People are still abusive towards those workers, who still have to check ID and things, and enforce certain parts of the law. While those workers have those sorts of responsibilities, we think that there is a case for them to be covered by the provisions, for extending the scope of the provision to include wholesale as well as retail.

**Paul Gerrard:** We are very supportive of the Bill, as you as you would expect. Retail crime has risen significantly over the past few years. At the Co-op Group, we have seen a 44% rise in all forms of retail crime, a 43% rise in threats and abuse, and a 24% rise in violence. I think the offence is welcome because we have seen it working in Scotland. In Scotland, when the police attend, you get a 60% charge rate, whereas in England and Wales there is currently a 10% charge rate, so we know it works.

First, speaking as a former law enforcement officer, the statute is really important, but it has got to be implemented and it has got to be used. I very much welcome the work that Amanda Blakeman, the chief constable in North Wales, has done, because we had some improved police response. Secondly—this is probably not about the Bill, but it is about the broader issue of tackling retail crime—70% of retail crime and much of the violence is committed by a relatively small number of prolific offenders. When you look those prolific offenders, there are very often vulnerabilities in there—it could be substance abuse, it could be gangs and so on. If this clause becomes law and those individuals get in front of the courts, what the courts do needs to be the thing that stops the behaviour. Sometimes, that will be a custodial sentence.

I was talking to a colleague whose leg was broken when they were in the wrong place when a thief was leaving a store, and another colleague just last Saturday who had seven stitches on their head because they would not give someone change that they were not entitled to for an ice-cream. We need to make sure that the criminal justice system takes the right action to stop the behaviour. Yes, it could be a custodial sentence, but it could be rehabilitation orders, restorative justice, community orders—whatever stops the behaviour. That is the key for me. This piece of legislation is great because it will get them into the criminal justice system more quickly and easily, but we must make sure that we take the right action at that point.

**Graham Wynn:** Paul is one of my members, so to some extent I defer to him, but yes, we are totally supportive of the retail elements of the Bill and we look forward to its being enacted. You ask about expanding it to include wholesale. Obviously, I am here to promote

the interests of retailers, not to support others who need protection also having some sort of protection. Wholesale, as Chris has said, is a similar situation in many ways; but the one unique thing about retailers is that they have to enforce age-restricted sales, and in some respects they are enforcing the law themselves, so they are in a slightly different position from many others. The violent offences often occur in the context of refusing a sale or asking for ID and someone not having it.

Two more things. First, if you want to extend the Bill, we would like it extended to drivers, making sure that people who deliver to people's homes from supermarkets and other places are also protected: there is quite a strong desire for that. Secondly, it is important that the statistics are gathered for retail crime. One of the things this offence does is to ensure that we have better statistics at the official level. It is important that we do not extend it so far or in such a way that we do not still get the statistics for the retail element. That is one of the key plusses, if you like, of the offence, because statistics can be debated, to put it that way, between official ones and the ones we gather.

**Q43 Matt Vickers:** As part of the Criminal Justice Bill there was a proposal that anybody responsible for three incidents of assaulting a retail worker or shoplifting should be mandatorily subjected to a curfew, a tag or a ban. Do you think there is a role for curfews, tags and bans in dealing with this problem?

**Paul Gerrard:** As I said before, I think whatever intervention will stop the behaviour is important, and the things you just described could easily do that. A custodial sentence could do it too, but so could things like rehabilitation orders. Over the last couple of years, we have worked in specific partnerships with 19 police forces managing 700 offenders, less than 7% of whom received a rehabilitation order. Any retailer will tell you that substance abuse is a real driver of much of this behaviour. It cannot be right that only 7% are getting rehab orders, because you are not tackling the root cause. On the things you describe, absolutely, but I think there is a range. It is about what will stop the reoffending behaviour. It could be custodial, rehab, curfew or tags.

**Christopher Morris:** There are two ways to look at it from the retail worker's perspective. When someone has been into the store and committed serious violence or posed a significant threat to a retail worker, that retail worker still has to go back to that same place of work and carry on performing the same task and will be constantly worried that that incident could happen again. Where there are significant incidents and issues, a ban or a curfew might well be appropriate in certain situations, to ensure that the retail worker is protected and stop mental health impacts from the initial incident.

**Q44 Matt Vickers:** Earlier we heard legal opinions about the fact that moving offences under £200 into triable either way could lead to significant delays. On prolific offenders coming time and again, it was suggested earlier that speedy justice is effective justice. Do you think it is important that justice is dealt out speedily in these cases, and should that play a part in our decision making?

**Graham Wynn:** Yes, it is important. If not dealt with speedily, the people who could give evidence in the trial or to the court might well have moved on, or they might

no longer recall the offence or work for the same retailer, especially when there is a violence issue, so speedy and swift justice is worth while and makes the point. In terms of the types of sentences, when we were in the EU the Commission always used to say in its directives that the sentence must be "dissuasive". I think that is a good term: the penalties must be dissuasive. On exactly what the range should be, it is for the Government and people to place it in the context of other offences and evidence of what works best.

**Q45 The Minister for Policing, Fire and Crime Prevention (Dame Diana Johnson):** Thank you very much for giving evidence today. How do you think shop workers will feel about the new provision on assaulting a retail worker? Will they feel reassured that there will be action if they are assaulted in the workplace?

**Christopher Morris:** From the evidence that we have in Scotland of some of the provisions and the feedback that we have received from members, they do feel more reassured, on the basis that they know there is a specific offence there to protect them. As was mentioned before, they are quite often involved in law enforcement, and they feel that they should have the right of law enforcement there.

Such a provision also sends a slightly broader message: it sends a message to perpetrators. We were pleased that Police Scotland did a significant amount of work before the Scottish provisions came into force to educate the police force on the use of the provisions and where they could be used. As Paul was saying, we have seen a drop in violence, and it is the police using those provisions that has helped to lower violence among perpetrators. When cases reach the courts and judiciary, the provision also sends a clear message that this is a significant issue for them to deal with. So I think it helps retail workers, but it helps right along the chain of making sure that the issues are tackled and dealt with.

**Paul Gerrard:** I say with the greatest respect to this place: do not underestimate how, over the last 10 or 12 years, retail workers have felt completely abandoned by law enforcement. This account is a couple of years old—I think the police have made great strides in the last 15 months—but when you ring to report an armed robbery with three masked men with machetes, and you are told to ring the non-emergency line, that tells you as a shop worker how to feel.

I was with a colleague this morning, one of our Nisa partners. Ben, from Freshfields in Croydon, is the owner of three small shops. He told me that he and his staff know about this provision and are genuinely pleased that someone is looking out for them. Do not underestimate the impact it will have. We have 55,000 colleagues in the Co-op. My colleagues absolutely know about this and welcome it, because they feel, alongside the improved police response that they are beginning to see, that someone other than the Co-op and their families care about what happens to them at work.

**Graham Wynn:** It sends a message to potential offenders and, indeed, to retail workers. They can see it as part of a package that includes these proposals, the Government's action on neighbourhood policing, with specific mention of taking action on retail crime; and the retail crime action plan from the National Police Chiefs' Council, with its desire to have better police attendance for violent

crimes or where the person is detained and there is clear evidence. Last, it is part of a package leading to better and improved statistics, so that everyone can feel more confident that the police will attend and that something will happen to those who commit these offences.

**Q46 Dame Diana Johnson:** What about the presumption that in cases of assault on a retail worker, a criminal behaviour order will be attached? We have been talking about some of the measures that we think are important to put alongside a conviction. Do you support a criminal behaviour order that could, in effect, ban the individual from attending a particular area or a particular shop? Would that also help to reassure shop workers in particular?

**Graham Wynn:** Retailers in our latest survey, which went up to August or September last year, said they had issued 400,000 banning orders themselves, in a civil sense. I know that they are not wholly a CBO, but people do think that banning orders for a first offence are better than doing nothing or telling them to go and do community service, or discharge or whatever it may be. It is something specific, and if they breach that, more serious things can follow. A proportionate approach is probably quite sensible—that is the first option, and then unlimited fines and six-month prison sentences can follow. Yes, I think they are useful.

**Paul Gerrard:** The Co-op is a community-based retailer. We are in every postcode in the country. Many of my colleagues who are attacked or abused or threatened know the people who did it, because they are from the same communities. A CBO is a really powerful way not only to protect them but to be seen to protect them. It stops those people coming in. Over the last eight or nine years that we have campaigned on this issue, that colleagues have said to me many times, “Even when the police come”—as I said, that has changed significantly over the last 15 months—“they will be back the next day.” The CBO gives my colleagues that legal protection to keep them away from us. It is a very powerful signal as well as practically keeping colleagues safe in the shops.

**Q47 Dame Diana Johnson:** The majority of shop theft cases are heard in the magistrates court. Is it your understanding that they will continue to be heard in the magistrates court?

**Graham Wynn:** I believe so, yes. I would expect them to continue to be heard there because that is where people can get the swiftest justice. We know the other courts are very full up with cases and there are delays, so that is my understanding.

**Q48 Luke Taylor (Sutton and Cheam) (LD):** Thank you very much for coming along. You will have to forgive me as I kind of wiggle around here a little bit. Clause 14 is on assault of a retail worker, and goes on to define the place of work of a retail worker. Something that you mentioned, Mr Wynn, got me quite interested in talking about delivery drivers, and the clause does say that “‘premises’ include a...vehicle”, such as a food truck. To take, for example, a washing machine installation engineer working for a Currys, do you think that the Bill protects somebody like that, who is working for a retail firm but is actually in somebody’s home? Is that something that could be covered by the Bill, or that you would look to have covered by a Bill such as this?

**Christopher Morris:** I would link that question back to the CBOs from a couple of questions ago. I think that there is a clear issue there. Various parts of the home delivery sector require the worker to go into people’s homes. With Sainsbury’s, Tesco and Ocado home delivery, there is an offer to almost put it in the fridge for people, and then you have those typical two-man delivery operations for washing machines or beds.

There is certainly a significant issue on the grocery side, where those delivery drivers are also having to make age verification checks when alcohol or other age-restricted products are being delivered, and are having to say that someone cannot have those. You are almost in the door with those products, and you have to say, “Sorry, if the ID isn’t here, I’ve got to take them away,” which can cause issues with violence, threats and abuse. Then, with the way that the systems operate, there are substitutions as well, and having conversations about those can raise the frustration levels of customers. We would therefore want to see those aspects, where people are going into people’s homes or delivering to people’s homes. It is not necessarily a question of the threshold being covered as well.

Part of the reason to link back to CBOs, and why we would want these things covered here, is that the link to CBOs is really good and can help. As a random example, if a Sainsbury’s delivery driver goes into someone’s home and receives a significant threat, then Sainsbury’s can take the decision to take that address off the customer list, but the other companies would not know. If a CBO is in place, a ban could be put on that address because that threat or instance of violence is so great, and those delivery drivers—who we see as retail workers—would not be required to go to it.

Those are the areas that we are keen to continue to engage with Government on, to make sure that the Bill is as effective as we believe it can be.

**Graham Wynn:** My understanding—I am happy to be corrected—is that the Bill does not cover delivery drivers or anyone other than people working, basically, in a retail store, and that the reference to a vehicle is not meant to be a delivery driver, a delivery van or anything like that.

We do note that the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021, although it is different, does explicitly extend to delivery drivers. We do think that that would be sensible and useful, and there are concerns about delivery drivers. We understand the difficulty of saying, “Well, where do you draw the line?” You mention people going into people’s homes; well, plumbers do, and other people go into people’s homes, so just where do you draw that line? If you dissipate it too much, it undermines the value of the whole thing. We don’t not support others being protected, but we certainly support the classic delivery driver for home produce from supermarkets being included. That is included in the Scottish Act, so perhaps it can also be included in the Bill—unless the Scottish draftsmen have got it wrong.

**Q49 David Burton-Sampson (Southend West and Leigh) (Lab):** When we look at how we are moving forward, it is good to look at where we have come from. I think it was the coalition Government who included section 176 in the Anti-social Behaviour, Crime and Policing Act 2014, which basically provided that low-value shop theft—that

is, shop theft with a value of under £200—would be a summary-only offence. We know where that has taken us: we have little, if any, police attendance for those sorts of offences. What impact has that had on you and your members, and does the repealing of that £200 threshold give you better confidence that police will prioritise attendance at those types of theft?

**Paul Gerrard:** That provision was undoubtedly gamed by individuals engaged in retail crime. They knew what the limit was. I also think it sent a strong message to the police that it was not something they should be focused on. In truth, if you go into a Co-op store and steal £200-worth or £199-worth of product, you have still got a lot of product, and there will be flashpoints around that, be they threats, abuse or violence. It undoubtedly has had an impact, and repealing it will have an impact, combined with the fact that the police now recognise the importance of tackling retail crime—and they do.

One of the data points that we have used consistently is how often the police turn up when we have detained an offender. If someone had 10 or 12 bottles of wine that they were trying to steal, which is less than £200, and we detained that offender, the police were not turning up eight times out of 10. Now the police are turning up six or seven times out of 10. If you combine the police response with a genuine ability for them to understand when they need to engage, that makes a massive difference. Wherever you draw a line, or whatever becomes the norm, individuals involved in this criminality will game it.

I will give you another example. The police are now turning up much more consistently on violence, and therefore we have seen a little dip in violence levels, because some people are understanding that if they engage in violence, they might have a problem. This Bill will make that a real issue. People will game whatever the line is, and taking away that line makes it more effective for the police to do their job.

**Christopher Morris:** I completely agree with Paul. Our members have seen that the system has been gamed at the £200 threshold. Our members are working in stores, some of which are not necessarily hugely profitable, and they get to the point where they are no longer financially viable as a result of theft that goes out of the door. Another thing that we see is staff being reduced in stores because there is not enough money, so the whole store becomes more vulnerable to attack. As Paul said, taking that route away will help to ensure that stores are safer and that the system is not gamed as much as it currently is.

**Graham Wynn:** Yes, it has certainly been gamed; last year, in our survey, there were 20 million incidents of shoplifting, or 55,000 a day—the highest ever—and I think that shows that there are people who understand this. We know from what people tell us that there are people who go back to the same store time after time and walk off with £190-worth of goods, because they know that nothing will be picked up.

We do realise, of course, that it is important that retailers report the crime or the incident, and it is important too that they have the evidence that the police can use to prosecute. We had a meeting with the police for members just the other day, and they emphasised that they cannot put resources into turning up to incidents where there is no evidence—no CCTV, perhaps, or where

the perpetrator has already left the scene and that sort of thing. So we recognise that it is incumbent, too, on retailers to do their part and on the police to do their part.

**The Chair:** Thank you. I do not think we are going to have time to allow every panel member to answer every question, so if Members could be kind enough to try to direct their questions, that would probably be helpful for everybody.

**Q50 Harriet Cross (Gordon and Buchan) (Con):** I would just like to ask a bit more about the Scottish Act. We have mentioned that delivery drivers are included, but is there anything else in the Scottish equivalent that you think is working particularly well that is missing from this Bill and would be a good thing if it was replicated?

**Graham Wynn:** Was that to me?

**Harriet Cross:** All or any of you.

**Graham Wynn:** The other thing about the Scottish Act that is different is that abuse is covered. It is not clear whether that has actively been used—I believe it has a bit. Our concern is to focus on delivery drivers, because abuse is difficult to prove and to get the level right, other than with protected characteristics—there are special laws on that, as we all know.

**Christopher Morris:** One more thing: in the Scottish Act, there is an aggravating factor. When an incident happens as a result of a retail worker enforcing the law, that would be treated as an aggravating factor when it comes to sentencing, which gives retail workers additional protections for enforcing law, which is important. In the abuse area, if you look at the figures—I cannot find them on my piece of paper just now—there is significant evidence that abuse and threats incidents have been recorded and reported under the Scottish Act as well, so it would be good to get those covered at the same time.

**Q51 David Taylor (Hemel Hempstead) (Lab):** I will direct my question to Paul—thanks for coming in. I want to pick up on what Christopher said about the impact that shoplifting has had and why removing this £200 is so important. To put it into context, I am grateful for the visit that the Co-operative enabled for me in my constituency. I was able to go to see a Co-op store. I was taken to a room at the back where I was shown CD after CD of footage of regular shoplifting by the same offenders, and yet very little had been done about it. What impact has that had on your profits over the years, and also on your staff's morale?

**Paul Gerrard:** I will do the second bit first, because I think it is the most important. Not long ago, the Retail Trust published some data that said that 37% of people in retail are looking to leave retail because of violence and threats of abuse, and 49% are scared going to work. According to USDAW's figures, and those of the Association of Convenience Stores and the Retail Trust, 90% have been abused.

The impact on colleagues is enormous. If they are not being attacked themselves, they see their colleagues attacked. They see what happens and they have seen a lack of a police response. Also—I will just say this—a colleague of mine who was barged out of the way last

weekend by a shoplifter has broken her femur. Her husband had to come and collect her. He did not wish her off to work that morning thinking he was going to have to collect her and take her to hospital to have an operation on a broken femur. The impact on colleagues is huge, and I do not think we should underestimate that.

Financially, for the Co-op last year, it was about £75 million in cost, in terms of product. For about the past six years, we have also spent £40 million—we spend three times the sector average—on preventive measures, guarding and IT. Financially, it is a significant hit—absolutely as Chris said. We have not done it yet, but I know some retailers have, and some stores are right on the edge of being viable. There is a huge impact on us, and on our colleagues. Our colleagues go to work to serve the communities that they very often live in; they do not go to work to get abuse, threats and violence. *[Interruption.]*

**The Chair:** Sorry about the lighting—we are just trying to see if we can find a shilling for the meter.

**Graham Wynn:** I do not have much to add. Paul said all that needs saying. Not only shop workers see the violence, but the customers—they are affected also. They do not expect to see violence and abuse in their store. Paul has described it very well.

**Q52 Joe Robertson (Isle of Wight East) (Con):** This is directed at any one of you on the panel. To take you back, an area where I think you all share the same opinion is that, under clause 16, theft from a shop should be triable either way, regardless of the value of goods—so below £200. I think the suggestion is that the police do not seem to be as responsive or as interested if it is a summary-only offence. I suggest that that is a policing issue and that the unintended consequence of removing the threshold could be to put low-value offences into the Crown court system, which is more expensive and with a longer backlog, and you might find the system is gamed another way. I am just inviting an opinion on whether a police policy issue might be the problem in terms of where they respond. A summary-only offence is still a crime.

**Christopher Morris:** This is not necessarily my speciality; I think Paul is more experienced in this area.

**Paul Gerrard:** I have a couple of points. I understand the point you are making. Less than £200 is still a significant sum of product—as I said, you could get 20 bottles of wine or the entire meat section—so I would not underplay that. The second point is that there is something here about making it clear that walking into stores to take whatever you want is not acceptable. That is a message that this place should send. Helping the police to understand that is really important.

In terms of how the criminal justice system then handles that, I take your point absolutely. But it is not okay for someone to walk in, make some threats, steal whatever they want and walk out again. At the minute, because the police do not, in general, look at things under £200, unless there are aggravating factors like violence, that is what happens.

**Q53 Joe Robertson:** Just to clarify, I agree with you on that point. My problem is this idea that a summary-only offence is not really an offence at all so the police do not

need to attend. I think we are all agreed on that: it is plainly an offence. My worry is that pushing things into the Crown court creates a whole load of other problems.

**The Chair:** Mr Wynn, do you want to comment?

**Graham Wynn:** Not specifically. It is an attitude that has grown up. The police have to make judgments as to whether they go or not; with limited resources, they have clearly come to the conclusion that if it is under £200, Parliament did not mean them to worry too much. That has perhaps grown up as the culture, if you like, and these measures will hopefully help stop that, simply because it could be an either-way offence, and that will make a difference.

**The Chair:** Thank you, Mr Gerrard, Mr Morris and Mr Wynn. We are indebted to you. Thank you very much indeed for your time. We are a couple of minutes early, but I am going to try to use that time to see if we can sort out the lighting. I do apologise. Thank you very much indeed.

### Examination of Witnesses

*Baroness Newlove and Suky Bhaker gave evidence.*

2.39 pm

**The Chair:** I apologise in advance for the fact that we have some interesting lighting effects. We will work through it, one way or the other.

We are now going to hear oral evidence from the Victims' Commissioner for England and Wales and the Suzy Lamplugh Trust. We have until 3.10 pm for this panel. Could the witnesses please identify themselves for the record?

**Baroness Newlove:** I am Baroness Newlove, the Victims' Commissioner for England and Wales.

**Suky Bhaker:** I am Suky Bhaker, chief executive of the Suzy Lamplugh Trust.

**Q54 Matt Vickers:** Having read the Bill, is there anything that concerns you, anything you think we should be doing a bit more of, or any things that you would like to see in the Bill that are not in the Bill?

**Baroness Newlove:** I only have 15 minutes, so I will not drag on. I welcome what is in the Bill, there are some issues on mandatory reporting, police vetting and the antisocial behaviour case review.

**Suky Bhaker:** The Suzy Lamplugh Trust specialises in stalking and harassment, so speaking to the specific introduction of new clauses on stalking, we welcome the introduction of statutory guidance on additional protection for victims, on the right to know, and the additional measures around stalking protection orders, but some details need to be caveated within those clauses.

**Q55 Matt Vickers:** Are stronger provisions needed to ensure that police and victims are informed when a sex offender changes their name?

**Baroness Newlove:** Yes. I have looked at what is in the Bill, and it is something I have worked on for quite a while with the Safeguarding Alliance. Sarah Champion MP was involved when we were working on the Victims and Prisoners Act. I still have a problem, because the clause



does say that the offender who comes out must inform the police. For me, it is always been about trust, and I just think it is wrong that we rely on the offender to inform the police and probation. That is what has gone wrong in the first place. To agree that a prisoner can change their name in prison is utterly unbelievable; and to rely on and trust the offender will notify the agencies—it still worries me that it is not the other way around.

**Q56 Matt Vickers:** You said you had concerns, in particular about antisocial behaviour. Will you give us a bit more on that?

**Baroness Newlove:** Antisocial behaviour, as everybody knows, is an issue I really champion. I have an issue with the ASB case review. I welcome what is in there, but it is the small print. I know you are going to create a police body review for the ASB case review, but there needs to be more support as people go through the process. Communication is a huge issue for victims. While I say I welcome this body doing it, I still think they need what we call a single point of contact, a SPOC—which sounds like something from “Star Trek”, so I call it an advocate—or a victims’ advocate to support them right through. While they are waiting for all these procedures to go through, they still have the impact of the antisocial behaviour. An advocate would ensure that they get one-to-one contact, which helps them to understand the process. Also, I welcome having that response, and that if they do not like the response or the way the process has gone, they can appeal it, but in all that, they need support right the way through.

**The Chair:** Suzy Bhaker, do you want to comment?

**Suky Bhaker:** I will defer to Baroness Newlove on issues relating to anything that is not stalking.

**The Chair:** That is fine. I just want to make sure that there is nothing you want to add.

**Q57 Dame Diana Johnson:** Baroness Newlove, thank you for your report, issued at the end of last year, “Still living a nightmare”. In it, you particularly talked about people who were suffering from ASB, the support they needed and the review process. You have touched on this a little, but I would welcome your views on the role that the police and crime commissioner will play. What do you think about that? Do you think that that is the right thing to do? Do you welcome it?

**Baroness Newlove:** Yes, I welcome the PCC being involved. I welcome what has gone on, because that statutory duty is important. There is also a duty to consult the Victims’ Commissioner, which is important as well. In all of those stages, though, instead of adding another layer, I want to make sure that the communication is right, that people are informed about this process. I tried to put in the Victims and Prisoners Act that we would have an independent chair—somebody who is accredited, somebody who knows. It can still feel very much like they are marking their own homework, because you have the local police review and the PCC. It very much feels as though the victim has to wait for them to make the decisions. We have a review process—an appeal process—but it is about how the communication feels to them.

I worry about how long this will take for the victims. That is why I keep asking for support, as I did in the Victims and Prisoners Act 2024. The mental and physical health of victims of antisocial behaviour will really be in a bad way if we do not give them the support they need. That brings me on to having them in the victims’ code. Even if this comes under the criminal threshold—that is the bit that we used to argue about when we were debating the Victims and Prisoners Act—they should get support and not have to wait. I would imagine that they would be able to see what is happening and the decline of it.

As I said previously, we are not learning from Fiona Pilkington, David Askew and my husband’s case. What people go through on a daily basis should not be acceptable. To set a threshold, we should use our common sense.

**Q58 Luke Taylor:** We have done a lot of work in my constituency on stalking legislation, due to some casework that we received. The Suzy Lamplugh Trust previously identified

“systemic issues with the police response to stalking”,

and I very much agree with that statement. To what extent do you think the measures in this Bill will address that? This is a bit open-ended, so I apologise, but do you think the Bill could go further in that respect, to improve the response of police around the country—my experience is in London—to prevent these hideous crimes from occurring in the first place?

**Suky Bhaker:** You may be aware that, on behalf of the National Stalking Consortium, the Suzy Lamplugh Trust issued a super-complaint, from which the recommendations came out late last year. The super-complaint committee found significant evidence of police failings in identifying and evidencing stalking. In fact, fewer than 2% of reported cases result in any level of conviction. We also find significant difficulties when it comes to the judiciary and magistrates, and with prosecutors’ understanding of what constitutes stalking, which leads to missed charges and the dismissal of stalking cases.

Clause 71 and the provision of statutory guidance would go some way to providing a single authority on the law and encouraging consistent understanding of stalking across the criminal justice system. At the moment, the guidance is inconsistent—in fact, parts are conflicting. We have guidance on controlling or coercive behaviour with a different emphasis from the guidance on stalking that the Crown Prosecution Service has produced. It is really important that multi-agency statutory guidance is produced. The super-complaint made reference to magistrates and judges not understanding the presentation of the psychological harm that victims experience. Again, we hope the statutory guidance might go some way in addressing that.

There has been significant evidence about the lack of use of stalking protection orders. We hope that the guidance will bring together the Stalking Protection Act 2019 and the guidance issued under it. It is important that any statutory guidance is drawn up in consultation with specialists across the sector. Obviously, training is pivotal to underpin that.

Risk management is central to addressing some of the systemic issues. We know from the victims we support that clause 72 would go some way toward managing risk,

and that is critical. At the moment, victims do not have the right to know, particularly if the stalker is a stranger. That information is sometimes possessed by the police or other agencies, and the victims are not able to obtain it. You might be familiar with the case of Nicola Thorp, the broadcaster and actor, who campaigned quite heavily on this issue. Her stalker was a stranger stalker. He made comments such as that he was sitting so close to her on the tube that he could touch her. She did not know who her stalker was, so everybody became her stalker.

Protective orders are not used enough, so it is often left to the victim to protect themselves, and without the identity of the perpetrator, that becomes really difficult. We know that stalkers often contact multiple people around the victim—on average, 21 family members, friends or colleagues. Again, if we do not know who the perpetrator is, how can protections be put in place? Recent research also shows that 90% of all femicides had stalking in their antecedent history. When we are looking at the prevalence in terms of risk, there is really no question but that those safety mechanisms need to be put in place.

In terms of where you could go further, we would certainly support changes to the stalking protection orders enabling the court to issue those on acquittal and conviction, because we see significant challenges to obtaining those orders, as I said. In the year ending March 2023, 531 applications were made for stalking protection orders, against more than 116,000 stalking offences being recorded, so we are seeing less than 1% of all stalking offences attracting stalking protection orders.

**Luke Taylor:** That is an astonishingly low figure.

**The Chair:** Order. Briefly, please, because we will be playing “Beat the clock” if we are not careful.

**Q59 Luke Taylor:** That leads to a question about how the orders are working at the moment. You welcome extending them. Does that suggest that in the very small number of cases in which they are applied, they are working quite well?

**Suky Bhaker:** We see pockets of really good practice. We have a number of specialist sites that have developed specialist programmes across the UK, where we have embedded training and where the full extent of the stalking protection order is utilised. What makes stalking protection orders unique is that there are positive obligations attached to them—they do not just prohibit; they can compel a perpetrator to attend something like a programme—but often those elements are not used. We do not see the potential duration of stalking protection orders being utilised; they are often quite short in duration, which means victims have to go back to court to apply again. We see barriers in understanding: although the police might make applications, legal services might fall down in terms of their understanding of the need to push that application forward.

For us, there always needs to be a presumption that a stalking protection order should be in place, and if one is not, the reasons why must be evidenced. We certainly support the extension, but we need to remember that stalking protection orders were brought in as a preventive

measure—as an early intervention tool, at the beginning of an investigation, to offer victims protection while the investigation was ongoing. We do not want to leave victims unprotected for that period by just bringing the orders in at the end. There is obviously a value in that, but we want to make sure they are protected for the duration.

**The Chair:** I am afraid that I am going to have to ask for concise answers. It is important that we get the evidence on the record, so at the expense of some brevity, perhaps, if there are matters that in hindsight you wish to put on the record, feel free to write to us. I hope that, in that way, we may be able to have our cake and eat it.

**Q60 The Parliamentary Under-Secretary of State for Justice (Alex Davies-Jones):** Suky, why do you feel that stalking protection orders would be more beneficial and effective and provide better protection to victims than restraining orders, which are currently given in these circumstances?

**Suky Bhaker:** Restraining orders are often given at the end of a criminal case, so again you do not get protection through the whole journey, and we know how long the backlogs are in getting cases to court. Stalking protection orders can also apply positive obligations, which you cannot have in a restraining order.

**Q61 Alex Davies-Jones:** I have a quick question for you, Baroness Newlove, on the measures in the Bill around the offence of taking intimate images. Do you agree that the base offence, which has no requirement to prove intent, will allow better protection of victims who have intimate images taken of them without their consent?

**Baroness Newlove:** Yes, I do. I think it is a really big issue. I was working on the Online Safety Act 2023 and heard about other social media problems. I agree on intent; that is important, because it means people cannot then just skew-whiff it the other way. I welcome what is in the Bill for this. We could do more, but at least it is a start. I agree.

**Q62 Harriet Cross:** This question is probably best for Suky to answer. Do you consider that the provisions in the Bill and the Acts to which it relates, such as the Protection from Harassment Act 1997, are sufficient to cover all forms of stalking? For example, are they sufficient to cover online stalking, which is obviously becoming more prevalent? In 1997, the internet was a very different beast from what it is now.

**Suky Bhaker:** There are certainly elements within the current legislation that do not draw enough attention to the impact, the alarm and distress that victims experience. There are challenges when victims themselves do not know that they are being stalked and might not see the extent of what is online; that is not captured to its full extent in the legislation. There is certainly room for development, but I think it is important that we are not too prescriptive with the behaviours, because we do not want to allow perpetrators to work outside that. By allowing it to be vague to some extent, we future-proof the legislation.

**The Chair:** Baroness Newlove, is there anything you think we should add?

**Baroness Newlove:** No, I will leave it to the expert.

**Q63 Jo Platt** (Leigh and Atherton) (Lab/Co-op): Thank you for attending. I want to address the breach of protection orders. This question is more for Suky. I have been dealing with a case in Wigan, where the victim's ex-partner committed the most heinous crime. Given that more than half of stalking victims are targeted by former intimate partners, do you think the Bill goes far enough in addressing breach of protection orders, or could it go further?

**Suky Bhaker:** I think it could go further. That breaches are not being prosecuted robustly enough was something that the super-complaint committee picked up quite clearly. To that end we feel that there needs to be minimum sentencing in place for breaches to ensure that there is a clear deterrent to perpetrators—that this order holds weight and if it is breached, you will be prosecuted.

**Q64 Matt Bishop:** Baroness Newlove, given that intimate image abuse disproportionately affects women and girls, how do you think the changes will specifically help to address the unique challenges that they face in seeking justice and support?

**Baroness Newlove:** It is all about regulations. As the Victims' Commissioner, I am working closely with Ofcom. It feels very much that this is designed for individuals. It is not designed to really get the tech companies to show up and do what they are supposed to do. We need to get more of the tech companies to take more responsibility and not leave it to the party who has been damaged.

**Q65 Louise Jones** (North East Derbyshire) (Lab): Baroness Newlove, cuckooing is a pretty heinous crime that takes advantage of some very vulnerable victims. What impact do you think making cuckooing a specific offence will have on those victims?

**Baroness Newlove:** Don't get me started on cuckooing! Cuckooing is an interesting area, and I have been working on it for quite a long time. People do not realise the level of harm it causes entire families. It can destroy them. My concern about cuckooing is centres on understanding and whether the Government will ensure there is guidance for police and other operational partners.

Cuckooing is not what you see on the soap operas. These are evil people who pick on vulnerable people and take over their lives. While this Bill creates a new offence whereby a person commits an offence if they exercise control of the dwelling, it sounds very blah-di-blah. What is needed is breaking down the problem and educating people on how this can absolutely take over the lives of the most vulnerable people. It goes into exploitation and county lines—there is no one thing. What I want is for all this to flow into this mechanism. Cuckooing has to be stated, but we must put it alongside exploitation, county lines, drugs and everything else. My concern is that when the guidance is published, victims of cuckooing will still not realise that they are being cuckooed. I do not know where they got the word cuckooing from, but that was what it was called when I went out with the police many years ago.

It is a really hard thing to break. If that person thinks that they are a part of the family, as well as the huge threat to their real family, it is very hard to recognise that. This problem must have a multi-agency approach and it must be in capitals and it must be where we are reporting. There have been many millions spent in this area, but I would like those involved to be more educated and to get a professional toolkit. I know a toolkit has been developed to help to disrupt cuckooing victimisation—I think it was issued to professionals in October 2024. I encourage authorities to utilise it. It is so important, and I have seen so much devastation from cuckooing. It is like watching a film on screen, but it is real life for some people today.

**Q66 David Burton-Sampson:** Again, this one is for you, Baroness Newlove. There is nothing more frustrating than having your device stolen and knowing where it is, yet the police being unable to act. Are you confident that the new powers in the Bill will give the police what they need to act in those situations where a device can be located?

**Baroness Newlove:** I am always confident in new powers. My reservation or caveat to all of that is about using them in a sensible way. This is anecdotal, but we hear it every day, even in Parliament, being told to put our phones in our bags—that is how bad it is. It is making sure that the police use those powers properly and understand them. We are also looking into the technology that could be equipped to research these incidents and prevent them from happening in the first place. We need to protect victims from them. Unfortunately, anecdotally, I am not hearing that the police are actually doing something. That is why we must get police better training and understanding to protect victims. Victims, doing their own investigations, phone up the police and say, "I know where my phone is," and the police do nothing. While legislation is great for professionals, we have got to see the people on the ground delivering for the victims.

**The Chair:** Are there any further questions? We have a couple of minutes left.

**Q67 Harriet Cross:** Regarding nudifying technology and other online tools that demean mainly women and girls, though they affect others as well, what do you think we can do to look at this further? Are there parts of the Bill where it should be addressed? In general, are we tackling this area sufficiently?

**Baroness Newlove:** To be honest, I have not really looked into the detail, but when it comes to the House of Lords I will be very vocal anyway, in that sense. However, we must educate. I have seen too many vulnerable victims, and I know that the Government have been looking at this in their violence against women and girls strategy. We had a roundtable with Jess Phillips and it is amazing what technology is out there. But we need to educate people of all ages about technology to prevent them from being a domestic abuse victim.

Tech companies need to be more responsible as well—when something really does harm a person, there must be accountability. We have to bring them to the table, but unfortunately, we all work in silos. We have this AI coming out, and look at what damage that can do—we

are already seeing that. That is why I welcome what is in the Bill, but I think that while we have this, they are 50 steps ahead, and down the line other things will come up. We need to be alert and aware and we need to want to understand and make things secure for people.

**The Chair:** Ms Bhaker, you were nodding furiously—do you have anything to add?

**Suky Bhaker:** I absolutely agree with Baroness Newlove. For us, it is about having that conversation with those tech companies. Their products need to be safe by design, yet all too often they are hitting the market and are misused by perpetrators in ever-innovative ways. We are always behind in that conversation, and we need to be at the forefront. Those specialist services need to be at the table with those tech companies to be ahead of that.

**Q68 Luke Taylor:** Picking up on a comment you made, Baroness Newlove, around resources and officers—while powers are all well and good, the challenge is having enough numbers to exercise them. Tiff Lynch made a comment about how resources are being used up by duties. How much do you agree that the focus on neighbourhood policing and the powers included in the Bill are only so useful if we have the officers and the numbers to exercise them? Do you see anything in the Bill that gives you confidence that will happen?

**Baroness Newlove:** I welcome any extra resources and police officers, but it is how they are mobilised. I have concerns that, while we have respect orders and hotspot areas, it feels like I have gone back to 2007 with my late husband. Back then, the hotspots were in the town centres and there were 40-odd police officers, but the communities had very little sighting of police. While it comes from a good place, they will fudge our resourcing around—I am quite honest about that. There were plenty of police officers in 2007. You cannot say that there were not enough police officers, because there were. Also, neighbourhood police officers have got to be seen in their communities, not just in the town centres. That is my concern, and it always has been.

**The Chair:** Suky Bhaker and Baroness Newlove, we are indebted to your expertise. Thank you for joining us.

### Examination of Witnesses

*Dan Sexton and Sharon Maciver gave evidence.*

3.6 pm

**The Chair:** We are now going to hear oral evidence from the Internet Watch Foundation and Action for Children. We have until 3.40 pm. Would the witnesses be kind enough to introduce themselves for the record?

**Sharon Maciver:** My name is Sharon Maciver, and I am the director at Action for Children responsible for our work on the criminal exploitation of children.

**Dan Sexton:** My name is Dan Sexton, and I am the chief technology officer of the Internet Watch Foundation. My work is tackling child sexual abuse material distribution and creation on the internet.

**The Chair:** For the benefit of the *Hansard* reporter and the Chair, who is becoming increasingly hard of hearing, and as there is a lot of noise outside, I would be grateful if you could speak up just a little. Thank you.

**Q69 Matt Vickers:** Having read the Bill, is there anything that concerns you or that you think we could improve upon, and are there any measures in this area that you would like to see added to the Bill?

**Sharon Maciver:** The measures outlined in the Bill are a significant step forward in providing a legal framework that specifically tackles the criminal exploitation of children. We hear first-hand through the services that we deliver across Scotland, England and Wales the devastating impacts that exploitation has on children, on their families and on communities.

We published a report in 2024 that analysed safeguarding incidents that had occurred for 140 children. Within those incidents we found that 50 children had been stabbed as a result of criminal exploitation, and a further 48 children had been harmed with weapons, including acid, dog chains and metal poles. We heard that a number of those children who had been physically harmed had not attended emergency services when they needed it.

For me, there was an issue there when we think about the current system and the trust that children have in accessing the system, which should be there to safeguard and protect them. As a starting point, we welcome the introduction of the new offence and the preventative orders in sanctioning those who choose to exploit children.

In terms of the risks that we see, we welcome the new offence but we have some concerns around the wording in relation to how the offence would be applied to those children who are seen to be under the age of 18. The wording refers to an offence being committed if it is reasonably believed that the child was under 18.

Last year, we had a review into the criminal exploitation of children chaired by Professor Alexis Jay. Within that, we heard significant evidence and concerns around the adultification of children, recognising that these children too often do not acknowledge their own exploitation, and as such they receive a justice response as opposed to a welfare-first response. That is a consideration we need to make in terms of language, first and foremost.

Secondly, we welcome the prevention orders in the Bill, but we need to think about the potential impacts on children and how we feed back information to safeguard and protect them. If we think about a prevention order or an offence being placed on an individual who chooses to exploit children, we need to think about whether that child is named as part of the offence, and the potential repercussions that that could cause for them. However, if we choose not to name a child, how do we ensure that sufficient information is shared among the agencies that safeguard them, making them aware of the measures that might be imposed as part of this order? That, for us, is of critical importance.

In terms of the protection of children, I could go on to talk about measures we would like to see in the Bill, but I appreciate that you may want to come in. Or would you like me to continue?

**Matt Vickers:** We would welcome anything you write to us.

**The Chair:** I should explain that the first question is often an opportunity for witnesses to make a brief opening statement. Mr Sexton, if you wish, you are most welcome to do so.

**Dan Sexton:** IWF is very supportive of the measures introduced to tackle AI-generated child sexual abuse material. I want to outline why this is important, and the evidence that we have for seeing this harm manifesting. The legislation is already robust in the UK for the content. Whether it is real, generated, synthetic or hybrid, child sexual abuse material is illegal regardless of how it is created. However, the tools that have been released recently to enable you to create content are not, and that has created a loophole that we have seen exploited. At the point when you use that technology to create an image, the image is illegal and you have committed a crime, but the tooling is not. That means we have seen offenders train and create models, manuals and guides. The model is just a file that has been trained on child sexual abuse material, so the training process would have been committing crimes because you are accessing it using child sexual abuse at that point.

The file itself that comes out at the other end is not illegal, and neither is the guide. So those two things can be shared freely on the internet, effectively giving people a do-it-yourself child sexual abuse generation tool, which they can download to create their own content. The hope is that these clauses will first give us some ability to ban, remove and take down this content, but also, crucially, remove some of the ambiguity that there is online about what is legal and what is not. That ambiguity itself causes people to sometimes commit acts that they perhaps would not have done had they known it was illegal, so we are very supportive of those measures.

**Q70 Matt Vickers:** Are there any gaps that you can see in the legislation, or anything that needs tightening up to hit that need and that objective?

**Dan Sexton:** There are many, many things that we could do to improve online safety, and many things that could be done to improve the safer use of AI tools. However, in the context of this Bill and the criminalisation of things, we think that it has done a good job of blocking these particular loopholes. I think the other stuff is better suited to things like a future iteration of the Online Safety Act and AI safety Bills. So we are very much content with these clauses.

**Sharon Maciver:** In terms of inclusion and what we would want to see in the Bill, we would like to see greater protections for children. We feel that in order to have an end-to-end response to tackling the criminal exploitation, we need to have not only measures that sanction exploiters, but measures that protect children, recognising that children who are criminally exploited will be victims of abuse while also being in conflict with the law. In terms of building trust in the system, as I reference in terms of children's trust, there is also a requirement for agencies working in this space to feel confident that the system can respond to the issue. Often we see children, as I have described, being significantly harmed. Also as a result of exploitation they cause significant harm to others, and that is a really complex dilemma for agencies to try to manage. So we feel that having increased protection orders that specifically address the duality of a child being a victim as well as in conflict with the law would be helpful, as well as ensuring that children have access to a statutory defence.

We also believe that a definition of criminal exploitation would be helpful in understanding the scale and extent of the problem and how many victims there are across

the UK. Of course, the new offence will ensure that data is captured on the number of perpetrators. Equally, we would want to make sure that we understand how many victims there are, and ensure that the response we have is that agencies feel confident in what that system does for children.

**Q71 Alex Davies-Jones:** Mr Sexton, the Bill introduces a number of new offences banning child sexual abuse imagery. One of the new offences is a specific offence targeting the administrators and moderators of CSA sites and groups. How prevalent are those groups? Will the new criminal offence actually deter offenders from even establishing those sites?

**Dan Sexton:** We see sites coming up frequently. At any given time, we have around 200 websites dedicated to sharing and hosting child sexual abuse material on our list, and that rotates. We often see those sites moving. It is the same administrators and the same site, and every time they get taken down in one place, they move to another, which suggests that the administrators and the people behind them are not getting caught or being prosecuted. I am unsure of the effect the Bill will have, considering that those administrators are already clearly committing crimes based in this country, and in many countries, and are not getting caught.

I would like to see whether the new clauses extend beyond just the site administrator to everyone else in the chain. A website does not just appear out of nowhere. It is not just the administrator; a lot of parts are required for a site to appear. If there are greater obligations on everyone else in that chain, those administrators may find it much harder to create and run their sites in the first place. A lot of our work is about introducing friction and making it harder to create and share child sexual abuse material. One part of that is arresting people, but there is a lot of other stuff that could be done to make it harder for the crime to happen.

**Q72 Alex Davies-Jones:** One issue that has been raised with us is the idea that AI imagery of child sexual abuse does not impact real-world victims. Could you speak to that point? I think it is an important one to make and get on the record.

**Dan Sexton:** Yes—that is something that comes up frequently. There are a couple of bits of evidence that I can offer to show where that is untrue. For instance—I think clause 36, which is on AI models, is tailored towards this—we see models that have been trained specifically on child sexual abuse, often on particular victims. Offenders collect images of a particular victim, and these tools have given them the ability to not just complete their collections, but create more content of children who have already been abused, sometimes many years ago. They are victims, or survivors now, and not only is their abuse not finished, but more content of them is being created. In one instance, we found 128 individual models, each trained on a specific victim with the intention of creating more imagery of those victims. It is not a victimless crime. That is 128 victims just there.

**Q73 Anna Sabine (Frome and East Somerset) (LD):** This question is probably best aimed at Action for Children. It is on a point that was raised in some of our

[Anna Sabine]

written evidence about the proposed sentencing under the proposed child criminal exploitation offence compared with the Modern Slavery Act 2015. The proposed sentencing for child criminal exploitation is 10 years, which is much shorter than the penalty of up to life imprisonment under the Modern Slavery Act. That might create a perverse situation where you can be sentenced for child criminal exploitation and get much less than you would under the Modern Slavery Act. Do you have any views on that?

**Sharon Maciver:** As I mentioned in my introduction, the harms caused to children are lifelong and traumatic and devastate children, young people and their communities. On the length of the sentence, I do not suppose there is any length of sentence that would be justifiable in terms of the harms that are caused by exploitation. I share the concerns on what you described—the length of time in the Modern Slavery Act versus what is described in the Bill. We would want to see that increased.

**Q74 Dame Diana Johnson:** I want to ask about criminal exploitation prevention orders. I noted what you said about the need to sanction the exploiters, but also to protect children. Can you say more about the protection that you want to see offered to children?

**Sharon Maciver:** At the moment, we have a system whereby exploited children will be in conflict with the law at the same time as we seek to protect them by recognising them as victims of abuse. That means children have to go through two opposing systems; one that seeks to protect them and one that seeks to find justice. We know that children cannot consent to their own exploitation, nor should we be criminalising children who are abused in this way.

However, we know that the behaviours that children are exploited into are particularly concerning. They cause significant harm to others and there will be victims within that. We feel that having a dedicated child exploitation order that addresses their behaviours proportionately and appropriately, without a criminal label attached to it, is a real way to manage the risks that these children could potentially pose to others while ensuring the correct protections for them.

**Q75 Dame Diana Johnson:** So if a criminal offence was taken through the courts, you could make a criminal exploitation prevention order, and you are saying that there could also be a child exploitation order alongside that. That would all fit together.

**Sharon Maciver:** Yes.

**Q76 Dame Diana Johnson:** Okay, that is interesting. In the past, the Modern Slavery Act has often been relied on to deal with these issues of exploitation of children. Do you think that having this stand-alone offence will deal with the problem that we have identified, which the Modern Slavery Act cannot tackle, with the exploitation of children and young people?

**Sharon Maciver:** I certainly think that the offence is part of the solution, while also ensuring that we protect children. I think the Modern Slavery Act has fallen short in not talking specifically about criminal exploitation and assuming exploitation in other forms. That has been a limiting factor in gathering the suitable evidence to prosecute.

We have obviously suggested that there needs to be a clear definition of a “criminally exploited child”. Within the Modern Slavery Act, there is the assumption that children are victims of trafficking, so we need to prove that there have been issues of modern slavery specifically. A new offence will talk about the behaviours and the concerns that we have for criminal exploitation in its own right.

**Q77 Matt Bishop:** I have a question for Ms Maciver. How will the measures on child criminal exploitation help to ensure that there is a more effective and consistent response to it?

**Sharon Maciver:** Having a clearly defined offence will offer the police increased powers to disrupt and sanction these individuals, and will shift the focus on to what these individuals are doing. We know from our work that children often idolise these people who are exploiters; they do not see them as exploiters but as people with status and reputation. These people certainly do not see themselves as child abusers, and would not want to go to prison for abusing children. We hope that in itself will be a suitable deterrent for them to avoid the use of children in their activity.

Just yesterday, one of the members of staff contacted us to say that he had received a text message from a child who was missing, and had been for three days. The child felt that he could not go home because his house would be targeted. His house had previously had the windows smashed in on two occasions, and he had been stabbed several times on the street a few months ago by a gang. The text message said, “I will be murdered if I’m seen on the street. It’s me against a hundred people.” I feel that we do not have the option not to do something about this, given these harms are being caused to children every single day. That child did not feel that he could trust the system enough to support him, so he was trying to manage his own exploitation in that situation.

**Q78 Mr Alex Barros-Curtis (Cardiff West) (Lab):** Mr Sexton, I want to go back to what you were saying about the administrators and moderators aspect, and needing to look at people in the chain. Could you talk a bit more about that? Is that people who host websites? I have another question for both of you—not to pre-empt what you are about to say—but presumably that will be not just domestic but international, so what could the Bill do, if anything, through partnerships and cross-agency working, both here and abroad, to target that issue?

**Dan Sexton:** On the clear web, in order to get a website, you need to have an IP address and a domain name, which will come from a registry. In the UK, we have .co.uk, run by Nominet. It is about just removing the registrars, for instance. There needs to be some liability for them enabling a site that is hosting child sexual abuse material.

We work with those companies every day to say, “There’s child sexual abuse material here.” Some of them are very good and some of them are less good: “It is really not our problem; we don’t deal with the content.” So it is about anything that encourages them to act proactively rather than reactively—but even reactively, if you take away the domain name, there is no website and it disappears.

A lot of those sites are hosted on public clouds, so they might be on Cloudflare, Amazon or Google. There are lots of parts to the chain. Most of them are content

agnostic—“We’re just offering a service”—but really it takes a lot of people to collude to create a website of any type. If that website is hosting criminal content or child sexual abuse material, all those parts of the chain should be taking more responsibility.

We hear a lot of, “This is not our fault; it’s the people downstream,” or, “It’s the people upstream.” Obviously, the administrators are the ones who are running that stuff, but there are lots of other people who had to be part of it for the sites to work. I would like to see more reason for those sites to take action. That would be extremely helpful for our work of finding and removing that content, and getting it down as quickly as possible.

**The Chair:** Any further questions? No. In that case, Ms Maciver and Mr Sexton, thank you for your evidence—the Committee is indebted to you.

### Examination of Witnesses

*Councillor Sara Conway and Councillor Neil Garratt AM gave evidence.*

3.27 pm

**The Chair:** We will now hear oral evidence from the Local Government Association and the leader of the Conservative group on the London Assembly. We have until not later than 4.10 pm for this panel. Could the witnesses please identify themselves for the record—ladies first?

**Councillor Conway:** I am Councillor Sara Conway, here on behalf of the LGA.

**Councillor Garratt:** I am Neil Garratt, leader of the Conservative group on the London Assembly.

**Q79 Matt Vickers:** Having read the Bill, is there anything that particularly concerns you? Is there anything you think we could improve on? Are there any measures that you would like to see in the Bill that are not there as it stands?

**Councillor Garratt:** At the London Assembly, a big part of our work is scrutinising the Met police, including people’s concerns about policing and particularly around protests—we have had quite a lot of disruptive protests recently in London. There are some concerns about finding the balance between the way that the police and the courts interpret the powers that the police have to police protests, and how the general public, as expressed to me, interpret those powers. That goes in two directions; it is not all one-way traffic.

My perception is that there is a gap in the Bill, or perhaps an opportunity, to do something about disruptive protests. If you look at section 12 of the Public Order Act, it sets out the gap between substantial and minor disruption to the community. On the face of it, that seems a perfectly reasonable and sensible way to distinguish between significant disruption, which the police ought to act on to remove protesters, and minor disruption, which is just a normal part of life. We have challenged the commissioner on his officers not acting to remove, for example, people who park themselves in the road, glue themselves to things or lock on to things. His challenge to us is that his officers are enforcing the law as it exists and as it is being interpreted by the courts.

In particular, the Ziegler judgment essentially sets a high bar for what constitutes substantial disruption. For example, when people park and block a road, it is not considered substantial disruption. I would like to see some thought in the Bill as to how the police can be empowered to make sure that people can still protest in the way they would like, because it is an important democratic freedom, while other people are not prevented from just going about their life or their day.

In the other direction, I also see a challenge—again, it is not addressed in the Bill, but it could be—around what I think of as an emerging de facto blasphemy law, which is quite concerning. People who wish to protest are almost always annoying somebody in some way with the issue that they want to protest about. Rarely do people protest in favour of or against things when everyone agrees with them.

I have a concern about when the nature of that protest touches on religious or cherished beliefs, and people often react very negatively to that. You then see the police, and seemingly the courts, viewing the person who is reacting angrily to the protest as, in some ways, the victim, and the protester as, in some ways, the protagonist or cause of the problem. I think, having removed the blasphemy laws in 2008, the will of Parliament seems to be that you are allowed to offend people’s religious sensibilities.

We saw the example in Manchester with the burning of the Koran, and there was an example at the Turkish embassy in London. There are numerous examples along those lines, where section 4A of the Public Order Act seems to be used to determine that if you are causing harassment, alarm or distress, that is enough to block somebody from being able to carry out what otherwise would seem to be quite a peaceful protest. There is scope for the Bill to address both of those problems.

**Councillor Conway:** I was not going to comment, but I will on the bit about protest. We really welcome the Home Secretary’s amendment to the Bill that was announced last night about intimidation at places of religious worship. As a Barnet local councillor, that has obviously been a key area of focus for our communities, in particular during the past year and a half. I think that balance between intimidation and the right to protest has been very fairly dealt with, and it is a very welcome introduction to the Bill.

I am pleased that we are here today to represent local councils. Local councils, councillors and our officers are at the frontline of delivering community safety, and of keeping everybody safe and protected in our boroughs, district councils and all the areas across the country. Every point on my list that I want to make focuses on resources. There is some really good stuff in the Bill, but it needs careful working through so that there is no obligation or statutory duty without the resourcing to properly deliver it on the ground.

On training, I can give specific examples as we go along. With regard to collaboration, that is something that people in local government, as leaders of place, are very good at. However, we need the resourcing to do it. I know that at the moment, we in local government talk about resources in every space, but they are essential. That is particularly the case in areas such as social services, for example, with some of the duties there.

Broadly, we welcome the Bill overall. It has some really important measures in terms of cuckooing and child protection. As someone who leads on community safety on the ground, I think that those things are vital. There are measures in the Bill that will save us from having to try to find different ways around things so that we can directly go to the heart of the problem.

It is key that you keep talking to local government—particularly about fly-tipping. You cannot see the word “fly-tipping” as a local councillor and not have something to say. It would be great for the LGA to have further in-depth discussions with the Government as to how that is delivered locally and effectively. We are absolutely vital for doing that.

**The Chair:** Before we proceed, for my benefit and that of the *Hansard* reporters, could you please speak up a little? There is a certain amount of background noise coming from outside, which makes it quite difficult to hear.

**Q80 Matt Vickers:** You beat me to it—I was about to talk about fly-tipping as there have been huge costs to local authorities across the country. What do you think of the Bill’s proposals? How could we go further and improve on it? At one point, there was a suggestion that you might give people penalty points on their driving licence if they use vehicles to dump things. What is your view on all of that? What do you think of the measures and how can we make the Bill stronger?

**Councillor Conway:** We at the LGA think that we really need to sit down and go through all of that thoroughly. It would be very welcome to have that conversation. We also want to have in place the long-term funding and the ability to work together, because some of this sits with the Environment Agency as well. We need to do that properly together and understand more about it. Solutions to fly-tipping need to be delivered locally, and local government is key to that, so we would welcome a detailed conversation on that issue.

**Councillor Garratt:** You asked me specifically about fly-tipping. I think you would probably get almost universal agreement that fly-tipping is too much of a problem and more needs to be done about it. On my reading of the Bill, all that seems to be proposed is that, essentially, the Secretary of State would write to councils and remind them of their powers. If I went back to my local council officers and asked them what they thought about that, they would probably think it is quite patronising. They would probably say that a better remedy would be more resources or possibly more powers, but they probably know what powers they have. That is my experience of senior council officers.

**Q81 Matt Vickers:** On powers specifically, is there anything you need that you do not have that we might be able to provide?

**Councillor Garratt:** Resourcing is an issue, and I suppose I am bound to say that prioritisation can be an issue. We have seen councils change control and a new administration decides that it is more of a priority and makes it more of a focus.

The one area where there is a gap between the law and public perception would be when you have private land that is adjacent to a highway. If it is on the highway, it is

the council’s responsibility, and the council can use its resources and deal with it. However, if it is adjacent to the highway, councils, particularly with their resource constraints, are not enthusiastic about spending their resources on someone else’s property. These places might look as though they are part of the highway, but actually they are not. You get these little bits of land, often on corners and things, that are technically private property, and that makes them the property owner’s responsibility. That is an area where there is a question mark at the moment.

**Councillor Conway:** Just to note, councils do not have the powers to take enforcement action against large-scale fly-tipping, which has been a focus recently, or where criminal activity is involved. Any statutory guidance would need to be clear on that point. We do a lot locally to target fly-tipping. We as a local council actually announced today some very successful work that we have been doing, but there are gaps that need to be resolved together.

**Q82 Matt Vickers:** Turning to the measures on the antisocial use of vehicles and being able to seize them without notice, the council and the police in my part of the world face a huge problem. What is your experience of that? Do you think we need to be doing more than we are doing in the Bill? I realise that this is not the only power that police and local government have to act on it, but what more can we do in that space?

**Councillor Garratt:** It is a problem. The measure would allow the seizing of a vehicle, effectively on one action rather than two actions. As the law stands, the problem is that the police officer would have to witness it happening, speak to the person to give them a warning and then wait for it to happen again. If they just drive away, they have obviously got away with it, so the measure in the Bill to potentially allow the police officer to seize it at that first instance is useful.

You sometimes see cases of what we are talking about around London or streamed live on social media: people meeting up and doughnutting around car parks and driving up and down, with huge crowds of people very close. It is overwhelmingly a public safety issue, so being able to simply seize those vehicles at that point would be a very useful power.

**Q83 Matt Vickers:** There are limitations on the ability of the police to seize them from places including private dwellings. Do you have a view on that?

**Councillor Garratt:** In terms of vehicles, I think that is positive. Another thing about private dwellings or properties, which is not related to vehicles, is the provisions on GPS-tracked devices. You can stick a GPS tag on all kinds of things, including mobile phones and bicycles. That is an extremely useful power that we would welcome, but it also requires the police to decide that it is a priority to track those things. Dr Newport, who I believe is coming later, chained his bike outside Scotland Yard, which definitely has the power to look at its own CCTV and chose not to. That challenge will remain.

I produced a report a couple of months ago showing that every six minutes a mobile phone is stolen in London. That is increasing year on year. We did some polling and the majority of Londoners are now wary in the way they use their phone. You see people turning



away or going into doorways, essentially because the criminals who are stealing these phones are operating in a fairly risk-free environment. Anything that introduces some countermeasures to that is very welcome, and making it easier for the police to track and apprehend those people is also very welcome.

**Councillor Conway:** We welcome the provision on cars to help to create a peaceful and respectful environment. I am very aware of the issues that can happen locally with that. Obviously, increased collaboration between councils and police may require further resourcing, but I note, again, that we are already delivering that collaboration on the ground. We do that quite a lot, but it would be very welcome to have an increased focus and more resourcing.

I wanted to pick up on phones. I was fortunate to represent the LGA at the mobile phone summit that the Home Secretary organised—the Minister was there—and that summit was very welcome. I note, again, that through a proactive relationship with our local police force, really effective action is happening. Local councils have a real role to play in how we work as leaders of place, and how we tackle the crimes that affect people's everyday lives.

As a Barnet councillor I should add that we are fortunate in Barnet to have funding from the Mayor for London for a specific violence-reduction-unit project over the next two years. That is designed exactly to tackle the mobile phone issues, with a whole range of after-school activities, and we enable people to mark their property and so on. There are solutions to things, and we really welcome the framework that the Bill will provide, but local government needs resourcing to deliver effectively on some of the obligations that are coming in.

**Councillor Garratt:** Can I make an additional point closely connected to that? New powers are proposed in clauses 78, 80 and 81 on SIM farms and electronic devices used for vehicle offences. They are good measures and we welcome them. I have a useful suggestion. In 2023, an additional power relating to lock-on-type offences was added to stop and search, to allow police to stop and search someone on the basis that they were looking for equipment that would be used for a lock-on-type protest. With the new offences relating to SIM farms and electronic USB devices that plug into a car and allow people to steal it, it would potentially be useful to add an additional stop-and-search power so that the police would be able to stop and search people they believe are equipped for those crimes. Otherwise, there is potentially a gap, whereby a new crime has been created but it is difficult for the police to enforce it.

**Q84 Dame Diana Johnson:** It is worth reflecting on the fact that there has been a lot of public order and protest legislation in the last few years. The previous Government agreed that they were going to have post-legislative scrutiny of the 2023 Act, which will happen from this year, as well as of some of the other public order legislation.

I want to ask the Local Government Association specifically about antisocial behaviour, the respect orders in the Bill, and the strengthening of some of the powers in the Anti-social Behaviour, Crime and Policing Act 2014. What are your reflections on how increasing the respect orders and those other powers will help local authorities to deal with antisocial behaviour?

**Councillor Conway:** Anything that can help local authorities to deal with antisocial behaviour is very welcome. It is welcome that breaching a respect order will become a criminal offence. It is important that that will set off a different process. Again, though, there are pressures on local authorities.

I note two caveats. One is the new ASB data reporting requirements, which may cause pressures in certain areas. There needs to be dialogue with Government about how to do that really effectively. Also, on the new duty for police and crime commissioners, which will bolster the role of the Victims' Commissioner in ASB case reviews, we want to caution that that should work okay with the Victims and Prisoners Act. It should not set up two different systems and there should be consistency on the ground.

On ASB itself, I will again speak from a local perspective for a minute or two. We have been fortunate to be London's first pilot of the Clear, Hold, Build strategy. We are nearly two years into that, and overall crime is down 20%, year on year, across the board. It has also taken a collaborative approach into our policing and partnership. In my particular ward, which had a lot of issues, ASB is down by 65%, which is extraordinary. Burglary is down by 67% and violence against the person is down by 59%. Those results do not just happen. With all this, an effective and proactive local government, partnership with the police, and everyone working together are really vital.

We really welcome the proposals, but it is about how we implement them in practice on the ground. Local government obviously has a very strong story to tell, and dialogue through the Bill, and once it is introduced, will be really important to demonstrate how it is working on the ground. Thank you for the powers to, hopefully, be able to do more.

**Q85 Dame Diana Johnson:** Thank you for that. You gave some interesting statistics there, so you are obviously already collating data in your local authority area. I assume that most local authority areas are collating data on ASB. I want to be clear: the intention is not to put further burdens on local government; it is to allow that data to be put together so that there is a clear picture of what is happening with ASB around the country. I assume that will not be too much of a burden.

**Councillor Conway:** I have the data here. I think there is a variety across local authorities. I am also aware that—without stuff that I perhaps cannot say publicly—sometimes you have to draw on other funding to enable systems to happen and to work effectively. We would say that it needs looking at carefully so that we have something that works everywhere, not just in specific areas. The dialogue with local government is essential in that.

**Q86 Luke Taylor:** It is good to see Neil, my ward councillor and council colleague in Sutton. I want to focus on the seizure of motor vehicles, which relates to an issue we have on our high street in Sutton, but I want to take a slightly different angle and ask whether Neil and Sara think the powers might go too far. Would the ability to seize vehicles without warning, and without an initial pushback on the behaviour, potentially give too much power to the police? Is there a risk of—I will

[Luke Taylor]

not say “misuse”—over-policing? Do you have thoughts on that? Sutton is a good example but, Neil, your London Assembly seat also covers Croydon, where there might be slightly more rural issues. Sara, do you have any examples from the LGA area that you represent?

**Councillor Garratt:** You are right to flag that. I spoke earlier about why I think it is potentially of benefit that the police would not have to catch the same person twice. I spoke to a police officer about this, and that is essentially how he described it to me: the way the law stands, you have to catch the same person twice. He gave the example of the Ace Cafe in London, where there is an issue with motorbikes, rather than cars. It is tricky to keep track of precisely who you have recently given a warning. Sometimes the behaviour is so egregious, and well beyond what would require a mere warning, but it does require a warning, and then they ride off and are gone.

You are right to flag up the possibility that the threshold moves such that what might have been a warning turns into a seizure. That is absolutely a concern. In a way, that relates to my point earlier about levels of disruption from protest. Parliament sends words into the world and they take on a life of their own when interpreted by the police or the courts. I would want to see provisions in the Bill to make sure that the power could not be abused. But, fundamentally, as a matter of practical policing, not having to catch the same person, in the same vehicle, in the same kind of act twice would be a benefit of the Bill.

**Councillor Conway:** We can certainly send in more information to give a range of experience from across the country. Speaking specifically about what I have observed locally, those powers would be very welcome. Often, cars are used for all sorts of things, and completely blight a local street, area, park or whatever. It is important really to have those powers and see how it goes. We are happy to follow up with some more detail.

**Councillor Garratt:** Councillor Conway’s point about persistence in the same place is very important. Some people do not see this problem from one year to the next; other people see it almost every week.

**Q87 Keir Mather (Selby) (Lab):** Thank you both for your evidence. Councillor Garratt, you remarked earlier about public order measures, protests and the concerns you have, quite rightly, about some of the protests we have seen in London. Can you speak to some of the specific provisions in the Bill, particularly those that create new criminal offences of concealing your identity at a protest, of climbing on specified war memorials, and of wearing or displaying articles in support of prescribed organisations? How do you think the practical application of some of these measures in London will help to deal with the public order concerns you mentioned?

**Councillor Garratt:** I welcome all the provisions you just listed, which are all positive. I think I might have seen them somewhere before, in fact.

When we at the Assembly press the police on how they police protests, there are two sets of problems: one is the issue around powers—what they can or cannot do—which I spoke about earlier. The courts have decided that they cannot remove somebody for simply sitting in a road if it is a protest.

On the other hand, there is a practical problem in the sense that if you have a very large protest—for example, the ones we have seen on Saturday mornings—with a very large group of people and a limited number of police officers, the practical ability to carry out what you might think of as a snatch operation comes down to a risk-based decision that the senior officer on the site has to make. One of the ways in which the new provisions may not necessarily make much difference is if the police judge that it is difficult for them in practice. For example, if you have a crowd of a thousand people all wearing face masks, what exactly is the practical step that the police would be able to take?

I welcome the provisions. It is a good idea to have them for people who climb on wall memorials and wear face masks. In particular, although being unpleasant is not against the law, I am very on board with the provisions for those who appear to be supporting terrorist organisations, or inciting violence against groups of people. The question mark I have in my mind is whether the police have either the resources or, on balance, the willingness to go into a large crowd of people, who probably will not welcome their arrival, to actually enforce those provisions.

**Councillor Conway:** We think the measures are broadly welcome. We will obviously have to see how they go in practice, but something fundamental is needed, as has been shown over the past year or so, in respect of the way you balance the very legitimate right to protest, which we have to enshrine, and people feeling intimidated. There is a wider discussion than just this Bill in terms of how it is possible to disagree agreeably—we had this conversation last week. Some of this, in respect of the face masks and so on, sets a basic code for how you engage in public life and public space.

**Q88 Harriet Cross:** I would like to look at the requirement to report where there is reasonable suspicion of child sexual abuse to, among others, local authorities. From your point of view, how do you think local authorities are set up to receive such reports? Do you think local authorities should get involved in that?

**Councillor Conway:** I will read this is out, if that is okay, because—not that this is not all important—this really is an important issue. Child sexual abuse is obviously a horrific crime, and the LGA supports the mandatory reporting duty. We do, however, have several things to say that would make it more effective.

We believe there should be training and support for those who work with children. Multiple reports, including by Ofsted and the Home Office, have identified a lack of skills and confidence among professionals in responding to child sexual abuse. A duty must not be placed on professionals without the accompanying training that will enable them to identify and respond to child sexual abuse effectively.

We also believe that there needs to be support for victims, and that there can be a shortfall in dedicated support for boys, children from ethnic minority backgrounds and disabled children. If this duty identified more victims of sexual abuse, obviously it would also be imperative that services are in place to provide appropriate support.

On that, I would also highlight the pressure on children’s social care. The duty may result in an increase in referrals to children’s social care, as has occurred in other areas

where mandatory reporting has been introduced, such as parts of Australia and America. Obviously this is in a context where spending on children's social care has already increased by 11% in the last financial year to £14.2 billion. We believe it is absolutely vital that children's social care is adequately resourced, to ensure that all referrals can be fully investigated, with the best possible support provided, including where children obviously need to be brought into care for their own protection.

On safe spaces, we would add that there is a very fine line between creating a space of trust and then a space of reporting. Obviously local government sits at the heart of that.

**Councillor Garratt:** I broadly welcome the duty to report. There are two concerns that I will raise. First, there does not seem to be—apologies if I have missed it—any sanction on anyone who does not carry out that duty. I question what kind of a duty it is if you can simply choose not to do it, with no ramification. Connected to that, if you think about the way this might happen in an organisation, the person who is making the report might in effect be in a whistleblower position, so what thought is given to any duty on the employer not to treat that employee adversely as a result of in effect blowing the whistle against things that the employer may wish not to have come to light?

My third thing perhaps is a question. To what extent would this duty apply to voluntary or religious organisations? We have seen, unfortunately, more than one example of child abuse occurring in religious settings, where often there is trust and there is sometimes difficulty with anybody coming forward because of a sense of mutual solidarity that makes it difficult for people to want to step away and blow the whistle.

Those are my three areas of concern. Is there a sanction for not carrying out this duty? Is there an obligation on employers to do something to protect the person? And would the duty apply to religious settings?

**Q89 Dr Lauren Sullivan (Gravesham) (Lab):** I declare an interest: I am still a Kent county councillor, although I have resigned from Gravesham borough council.

With a council hat on, I want to look at fly-tipping. Gravesham borough council has issued 386 community protection warnings and about 50 fly-tipping fines, so there is definitely a growing issue with fly-tipping. Could I ask your advice? What do you think about some guidance, perhaps to courts, about recovery costs? We know that fly-tipping largely is organised crime, and there are costs in collecting the rubbish, often for private landowners; they are left to bear the brunt of the burden. Would guidance for courts—magistrates courts in particular—on recovering the costs of the crime be welcome?

**Councillor Garratt:** Possibly. I would not add much to what I said before about the fly-tipping provisions in the Bill, which seem to boil down to reminding local authorities of what their responsibilities are. I do think that they already know what they are. To echo Councillor Conway, I think they probably would just say the word “resources” again and again.

**Councillor Conway:** That is always a welcome echo. I will just add that the LGA wants to work with the Government and the Sentencing Council to review court

guidance—so, yes, what you are talking about—to ensure stringent fines for the worst offenders and provide adequate funding for councils to investigate and prosecute fly-tippers. As I am sure you will be aware locally, councils face financial challenges in prosecuting fly-tippers, with the fines issued by the courts often lower than civil penalties. It is essential for courts to properly prosecute to deter repeat offences as well. There is a financial bit and then the deterrent effect.

**Q90 Anna Sabine:** In the light of my hon. Friend the Member for Sutton and Cheam describing Croydon as rural, I point out that I am from a properly rural seat in Somerset. Fly-tipping gets mentioned to me a lot by farmers, partly because they often deal with it on their land and partly because they consider that many of the perpetrators are the kind of people who are committing wider rural crime. Sara, from the point of view of the LGA, which represents lots of more rural councils, do you feel that there is more the Bill could do to support councils in dealing with rural crime?

**Councillor Conway:** I think we will need to write with more detail about that, if it is okay. The board I sit on definitely has people who I think would have a lot to say about that but, for specific information, I think we should write to you.

**Anna Sabine:** Thank you.

**Q91 Louise Jones:** The Bill introduces a new offence of cuckooing, and I am particularly interested in your opinion because, unfortunately, a lot of cuckooing takes place in council properties. Having lived on a street where cuckooing was going on, I have seen at first hand the impact on the wider neighbourhood as well. I am interested to get your views on how welcome the provision is and how effective it will be.

**Councillor Garratt:** I welcome the provision. Again, there is a hint of *déjà vu* about it. This is serious. We talk about county lines-type crime. Often London is the originator of that, and therefore we are dealing with the holders of those lines. This type of crime, where people take over a vulnerable individual's property, often in quite unpleasant ways, is currently quite difficult. There are a number of provisions that connect to it, including some of the modern slavery provisions, but I welcome wholeheartedly a specific offence for that type of crime, which is definitely prevalent and definitely needs tackling.

**Councillor Conway:** We are echoing each other a bit here, which is good. To echo that, we very much welcome the provision. I note that case studies from councils were actually used to argue for the provisions in the Bill. The LGA's modern slavery network will be publishing further case studies. Obviously there has to be a link between the strategies for modern slavery and for violence against women and girls; it all has to talk to each other.

I have signed closure orders on behalf of residents to stop issues—everything that comes with this, not just in the property itself, but for a local authority or the residents in the area. I cannot help but reference Clear, Hold, Build, because it has fundamentally changed the way things are happening locally, together with a proactive approach by our local police. It has fostered that more collaborative approach, and the more residents are able to speak up and feel that they are heard and that

authorities will listen and recognise the problem on the ground, the more effective we can all be. This one has been a long time coming.

**Q92 Joe Robertson:** To the extent that it is relevant, I draw attention to my entry in the Register of Members' Financial Interests in that I am a serving Isle of Wight councillor.

I want to take the panel back to clause 45(2) and the duty to report. I note that the police and local authorities are treated as interchangeable in the provision about who a person must report to. I invite any thoughts about that idea that the police and local authorities are somehow interchangeable and have similar skillsets. Councillor Conway referred to the training that would be needed with local authorities, but clearly there are so many different ways you could report. Although the police are used to reporting of criminal activity, the council does not routinely receive reports in that way. I invite either of you to comment on that slightly unexpected and unusual interchangeability of police and local authorities.

**Councillor Conway:** Again, we would be happy to write with more detail on that. Where that relationship works effectively, I understand the interchangeability. I think it probably needs looking at. There are effective systems on the ground that do enable that, but maybe it needs looking at more closely. We can send you more information.

**Councillor Garratt:** If we are dealing with criminal behaviour, which I think we are in this circumstance, the obvious place to report it is the police. I do not know whether there is a provision for reporting to the council if someone is already involved with a social worker, for example; that might be deemed to be an adequate way to report it. But if the purpose of the provision is to make sure that these crimes are investigated and prosecuted, then the obvious place to report that to would be the police.

**Q93 David Burton-Sampson:** My questions have been answered, but I will ask another while I have the floor. The Bill provides the ability to extend community safety accreditation schemes, basically allowing councils to take on more powers that would normally be available only to the police. Do you think that is a good thing for your local authorities?

**Councillor Conway:** The general point about all that is that additional funding is needed to increase community safety partnerships' capacity to deliver things on the ground. Reforming the duty and partnership landscape to ensure that the partnerships are equipped with the powers and partners to deliver would be very important.

**Councillor Garratt:** On the ground, in practical terms, dealing with crime and connected behaviour very often does involve partnership between the local council and the police—and other bodies, such as the Probation Service and so on. It is therefore quite normal—in fact, it is good practice—for there to be collaborative working. If you have a process of collaborative working that is working well, as I think we have in Croydon and in Sutton, it seems to make little sense not to be able to extend it.

**Councillor Conway:** It is important to focus on the preventive aspect as well. Just before this meeting, I was in a meeting of London's violence reduction unit with

the safer partnership chairs, and I am aware that the Government's new provision around preventive partnerships is evolving. I think that runs alongside this and is an important step forward.

**Q94 David Taylor:** Councillor Conway, my ears pricked up when you talked about Clear, Hold, Build and the successes that you had had. That is a project that the police in my area, Hemel Hempstead, have been implementing in a particular neighbourhood called Grovehill. We are currently in the clear and hold phase. Given that you are ahead of us, I wonder whether you can share with the Committee some reflections on the build phase and some of the successes that you have had. Will you also reflect on how the Bill will help with the neighbourhood policing that is so central to these projects?

**Councillor Conway:** The success of Clear, Hold, Build in our area is thanks to everybody. That is really important: it is everyone together—the residents, who need to be part of it too; the community organisations; the police; the council. It very much is everybody. There is also ongoing clearing; Clear, Hold, Build is not a linear process, and we have certainly learned that.

As I have touched on, some of the provisions in the Bill would have been very welcome. We have not talked about the new provision on the exploitation of young people either, but there is that, the cuckooing measures, some of the respect order stuff, the CPNs and the public spaces protection orders. We have been able to use bits of those things locally, but the Bill provides a framework that I think will enable councils to deliver more, as long as there is the funding to do some of it.

Also, the collaborative approach needs to be across councils and across areas. We all learn from each other. That is a major strength of the LGA, and one that we are very happy to share with the Government. As you know yourselves, that learning across, with the need to support each other and to really deliver for all our residents, is vital.

**Mr Barros-Curtis:** Returning briefly to mandatory reporting, as I understand it, the reference in clause 45(2) to

“a relevant police force or a relevant local authority”

is directly from the independent inquiry into child sexual abuse set of investigations. I believe that that is because of the typical provision of children's social services in practice in England and Wales. It can be either/or, but obviously we need to ensure that there is a linkage between the two and that there is cross-reporting. I just want to check that that is not out of the norm—that, if a referral or reference was made at the moment, it would come into the local authority—and so, from your respective positions, putting this into law does not add an excessive burden on local authorities.

**Councillor Garratt:** When I expressed my concern earlier, it was not so much about a burden on the local authority as about wanting to expedite the process that, ultimately, that disclosure is setting in motion. If the way to get there faster is by going directly to the police, that would seem to make sense, but I would not argue to remove the ability to report to the council. If someone does that, you would imagine that the council would be able to pass it on to the police.

**Councillor Conway:** Again, we can send more detail on this and look into it to see how councils do it. The way it is structured in my area is that we have a community safety team and a family services team, a relationship with the police, and so on, so we are structured in a way that means that we have very natural conversations and share trust. Again, I note that a collaborative, proactive approach on the ground is vital to enabling that.

**The Chair:** Councillor Garratt and Councillor Conway, thank you very much indeed for your time. The Committee is indebted to you.

#### Examination of Witnesses

*Emily Spurrell, Matthew Barber and Roger Hirst gave evidence.*

4.10 pm

**The Chair:** We shall now hear oral evidence from police and crime commissioners, including the Association of Police and Crime Commissioners. We have until 4.50 pm for this panel.

I am afraid we are having some difficulty in hearing this afternoon. It is not just me—I thought it was, but it is not—so if you could speak as loudly and as clearly as you can muster, that would be appreciated. Will the panel please identify themselves for the benefit of the record?

**Roger Hirst:** Roger Hirst, the police, fire and crime commissioner for Essex, and the APCC joint national lead for finance.

**Matthew Barber:** Matthew Barber, police and crime commissioner for Thames Valley and APCC joint lead for violent crime.

**Emily Spurrell:** Emily Spurrell. I am the police and crime commissioner for Merseyside, and the chair of the Association of PCCs.

**The Chair:** That is excellent—we can hear you. Thank you very much.

**Q95 Matt Vickers:** Having read the Bill, does anything concern you? Could anything be improved? Are there any measures that you would like to see in it that do not currently feature in it?

**Emily Spurrell:** I suppose the first thing to say is that there is a lot in it that we welcome. There is a lot in it that, as PCCs, we have been calling for for a long time—for example, the extra protection for retail workers and the recognition that they should not have to face assaults while doing their job; the measures to strengthen the ownership for businesses and sellers to crack down on the sale of knives online; the greater powers in relation to the ASB case review to achieve more consistency across the country; and the police appeals measure, because currently we do not have the ability to appeal the outcome of the police tribunal. There is lots in the Bill that we welcome, and I think it will go a long way to support some of the issues that we face locally.

The one thing I would highlight, which will come as no surprise and I imagine you have heard it from many others today, is resource and our capacity to deliver on some of these issues. We welcome all the actions—there is a lot to welcome—but there is some anxiety, particularly among police forces, about being able to meet the

demand and about not raising the expectation of the public that, because these powers now exist, suddenly there will be a huge swathe of activity in the area. It is all about resourcing and being able to deliver on the new activity.

**Matthew Barber:** A lot of the measures in the Bill were in the previous Criminal Justice Bill. A lot of that work is welcome, and there is some consistency. For me, a lot of the provisions fall into two categories. Some are closing loopholes. As far as the public are concerned, certainly, there are some really welcome moves on allowing the police the ability to enter premises without a search warrant where electronic devices with location detection are available. That has been a huge frustration for the public—they expect the police to be able to do that and do not understand that the current law prevents it. There is some tidying up of those elements.

There are some other very welcome areas, such as drug testing on arrest—the Thames Valley force has been rolling out one of the pilots—but that falls into the second category of provisions: ones that will need significant resources. In this case, that means resources not just for police forces to provide the kits and the testing, but for our local authority and health partners to provide the treatment that will come as a result of drug testing on arrest. Several measures in the Bill will require potentially significant resources.

One of those measures is the monitoring of sexual offenders—those on the sex offenders register. Again, some welcome moves are expected by police forces, but that will put additional resource burdens on policing. I think it is worth noting for the record that police forces do an awful lot of work in protecting the public from predatory sex offenders, which often goes on behind the scenes—it is not seen by the public, but it is vital and needs to be properly resourced.

If Parliament were inclined to go further in that area, it could allow the police to interrogate the digital devices of those on the sex offenders register. At the moment, that only happens if there is a sexual harm prevention order in place specific to that offence. Given the proliferation of online grooming and the proliferation of people on the sex offenders register, that additional power could be helpful in detecting other offences.

**Roger Hirst:** In common with my colleagues, I very much welcome the provisions in the Bill. I echo Matthew's comments about the additional costs related to drug testing on arrest. I will also bring it to the Committee's attention that there have been real problems with the industry providing the equipment for that. It is under-resourced at the moment. There is some investment that needs to be made, probably via us, in helping the industry develop. At the moment, we are not doing anything like as much as we would like to do, simply because of the constraint of materials. It is probably single-digit millions, but it is a substantial investment that needs to be made.

I particularly welcome the provision to make spiking a separate offence. That is certainly something that we in Essex are seeing in our night-time economies; sadly, it is a growing area and one where we need to be able to provide better protection. Being able to point to it as an individual item and make some noise about it will be really powerful to prevent it from happening. I think that plays into the overall Government ambition to reduce violence against women and girls.

There is an opportunity in the Bill to pick up on some other items that we have been looking for for quite a long time. We PCCs and PFCCs are very much victims' mouthpiece in our areas, and we are in contact with many victims' groups. I consistently get feedback that victims would very much like provision for convicted offenders to be required to attend their sentencing hearing. There is a feeling of a lack of justice when that does not happen, and a feeling that they as victims are not seeing justice exercised in the way they would wish to.

I also get feedback that victims would very much like to see mandatory life sentences for the worst categories of homicide. There are some homicides that are egregious enough to mean that it is fairly obvious that the person is unlikely ever to be able to be released without at least creating the risk of harm to the public.

Following up on what Matthew said about dealing with sexual offenders, there is also the opportunity to ban sex offenders from changing their name. There is nervousness among the public that sexual offenders are not always known, are hard to track and can evade the monitoring that is supposed to be there for offender management, so that would be extremely welcome.

The last thing would be bringing in an offence of aggressive begging. We have that in our city centres in Essex and it can be very disruptive. There is certainly a lot of feedback from traders and town centre operators about aggressive begging. Whether it is Southend, Colchester or Chelmsford, we certainly see the centre of town being disrupted.

**Q96 Matt Vickers:** On resource, there is a small number of people who commit a huge volume of crime—often low-level stuff. Could we do anything more to tackle the problem of those hyper-prolific offenders?

**Emily Spurrell:** A big part of it for me is understanding what is driving their offending. We see the greatest success when you invest in diversion and intervention. We know there are prolific offenders, particularly in relation to retail crime, where they are struggling with drug addiction or alcohol addiction, there might be mental health issues going on, and there might be poverty, in some cases. I think we need to get much better and invest much more heavily—lots of us as PCCs do already, but we need to do much more in this space, and we could if we had the resource—in diverting people away and putting them on to the right intervention to stop the things that are driving their offending in the first place.

**Matthew Barber:** I broadly agree. There is a huge amount, particularly around drug treatment and diversion, that needs to be done for some of those prolific offenders. We also need to recognise that there are those who operate in the organised crime space who are not necessarily the victims of drug abuse themselves, but the spreaders of that drug abuse, and we need to look at the sentencing and other preventive orders that can be put in place. At a lower level we have the criminal behaviour orders, which I am pleased to see included in the retail element of the Bill, but for a number of other prolific offenders, who will seek to commit a wide variety of crimes, we need to look at sentencing and at some of the provisions in the Bill that I do think will help to bring those individuals to justice where at the moment they may well evade justice. For example, procuring, handling

and trading in some of the electronic equipment used in the pursuit of theft of vehicles is not an offence at the moment. That change in legislation will help to tackle some of the organised crime element.

**Roger Hirst:** I think similarly. One of the provisions that is very much to be welcomed is the doing away with the £200 minimum on shoplifting. So often these are prolific offenders, but each offence is treated by the court system as a single offence—effectively a *de minimis* offence—when, in actual fact, if you are doing that number of relatively small shoplifts in one day, you can be making quite a lot of money out of it. That improvement is definitely positive.

That does mean that we have to appeal to you—perhaps not in relation to the Bill, but overall—to ensure that the criminal justice system is properly funded. There is undoubtedly an additional burden on the criminal justice system that will come out of the Bill. It is all well and good for us to ask for more resources for policing, and for PFCCs and PCCs, but it is really important that the criminal justice system gets to grips with its backlog. In Essex, we are currently having cases listed for 2028. That is an extremely painful situation, and it can be the case for very serious crimes. That needs to be worked through, please.

**Q97 Matt Vickers:** I realise that different areas are affected very differently by the antisocial use of off-road bikes and e-bikes. My area is absolutely battered by the issue. The Bill makes changes to the Police Reform Act 2002, introducing the ability to seize a bike without notice, and there are obviously other powers, but what more could be done in that space, specifically on the ability to go into a private dwelling to seize one? When these bikes have been seized by the police, they are sometimes sold online to the people who were making use of them in the first place. Is anything else we could do to tackle that problem?

**Matthew Barber:** It is certainly an issue in Thames Valley. The proposed change in legislation is welcome, both for cars, where we see antisocial behaviour with four-wheel vehicles, and for bikes. The change to remove the warning is particularly useful for bikes, because we are talking about vehicles that are not always registered, so identifying the owner of the vehicle to follow up on a warning is incredibly difficult. It is much easier with a four-wheel vehicle, but even in those circumstances the public generally expect the police to be taking action, and a warning that lasts for only a 12-month period is inadequate. I would be very supportive of the disposal of those vehicles—generally by crushing—following seizure. For people to have their vehicles removed and crushed if they are using them in an antisocial fashion seems to be an effective deterrent.

**Emily Spurrell:** I echo what Matthew said. One of the challenges that we have, depending on the vehicle, is when police officers are in pursuit of or trying to stop a vehicle. Particularly with off-road scramble bikes, which have proper engines, that can be a real challenge, in terms of what powers the police have and how comfortable they are to try to follow without creating further risk to the public or the individuals on the bike. That is a constant challenge. I am not sure what the obvious answer is, but it is something that police forces have to contend with.

The other bit, on e-bikes in particular—again, I do not know what the answer is—is whether more engagement could happen with the companies. In Merseyside, organised criminal gangs use them because they are quieter than scramble bikes and so easier to navigate around. They are able to adapt the speedometer, or the mechanism, which means they are going faster than they are designed to go. That is obviously incredibly dangerous for them as well as for the public around them. Anything that can be done to make that more difficult, and keep them to what they were designed for, would help.

**Roger Hirst:** I would differentiate between e-scooters and e-bikes. From the evidence that we have in Essex, e-bikes seem to be like any other powered two-wheeler. I would simply recommend that they are treated like any other powered two-wheeler: they should be registered with registration numbers; there should be an obligation to wear a crash helmet; and they could be used on the roads in the same way as any other powered two-wheeler.

There is a big difference, though—certainly for us—with e-scooters. Two young people on one e-scooter were very sadly killed last month in Basildon—a nine-year-old and a 15-year-old. It very sadly ended their lives and ruined their family’s lives and the lives of the people who hit them. It is very hard for us to see in Essex how e-scooters are compatible with our road system. I have to say that, having been to Bristol, I was very impressed with how they work in the old docklands there, but we do not have anywhere like that in Essex.

That was not the first fatality that we have had. E-scooters are very risky vehicles. It is very hard to see how they will ever be able to be used on either the road system or the footpath system. From my perspective, either they should be restricted to very small areas where they can be used safely, or we do not need them, because, in terms of the deaths per kilometre travelled, they are very dangerous indeed.

**Q98 Matt Vickers:** The Bill makes a change to the Police Reform Act 2002, but my understanding is that there are no nationally compiled figures showing which powers are being used to seize bikes, and that the Road Traffic Act 1988 is actually allowing many people to seize bikes without the notice set out here, and probably more quickly, easily and efficiently. Does your force use the Police Reform Act, the Road Traffic Act or an array of all the above?

**The Chair:** This will be the final answer on this subject.

**Roger Hirst:** We use both. We use what we can. We have crushed hundreds of e-scooters so far.

**Q99 Dame Diana Johnson:** I want to ask about antisocial behaviour, and particularly about the role that PCCs will take up under the Bill in the reviews that victims of antisocial behaviour can seek. As PCCs, what is your perspective on that? How might it assist with your work on supporting victims?

**Emily Spurrell:** I think all PCCs really welcome the additional powers in relation to the ASB case review. Lots of us already promote the fact that there is an appeal process—that, if people are unhappy with how their case has been reviewed, they can come to our office and we will review that. The numbers are very low

for that. There is a real challenge in making sure that the public and victims are aware that the option is available to them.

One of the other challenges that many of us face is the engagement we get with local authorities, the police and other partners who are doing the initial case review. The Bill gives us an opportunity to have a clearer and stronger role from the beginning, so that we can have real oversight of how well those reviews are being conducted and how seriously the voices of victims are being heard. We can also then create consistency across our region, and hopefully across the country, so that victims do not end up in a two-tier system in which some local authorities say, “Yes, we’re going to take it and review it, because it meets the threshold,” and other areas do not. Hopefully, our having a greater steer and role in this will bring lots of benefits for victims.

**Matthew Barber:** I would certainly welcome more involvement in this. It is something that I tried to push with my local authorities a few years ago. I got a bit of pushback because I have no statutory powers in this area. I have 14 local authorities across Thames Valley, so it is a very confused landscape for the public. Local authorities can apply additional thresholds beyond the statutory one, simply to get into the case review system, and they vary across the area. Normally, the complaint I get is about consistency across the whole policing area by the police. The problem I have here is consistency across local authorities. Being able to intervene in the reviews will be helpful, because the public often see it as local authorities or the police effectively marking their own homework.

The most important thing we can do on antisocial behaviour is look at the front door into it. There are provisions in the Bill for the Secretary of State to require data to be shared with the Home Office. However, I think the biggest issue is data sharing between local authorities and the police. In my view, there ought to be a single front door for reporting antisocial behaviour. The public often do not know whether something should be reported to the police or the local authority. Sometimes it may well be both, depending on the nature of what is going on.

In reality, our constituents ought to feel that they can just report something, and the public bodies, behind the scenes, can sort out who will deal with the issue. It should not be for the public to have to navigate the different bits of legislation. Certainly, I would like to see better front-end reporting. Perhaps the provisions on data could ensure that data is better shared between police and local authorities.

**Roger Hirst:** I agree with my colleagues, but I would ask for the provisions to go that little bit further. It would be really helpful if we as PCCs had the opportunity to require local authorities to act in these cases. To be honest, the case reviews just have not taken off in Essex. The powers are there now, but you can be as loud as you like in telling the public about something that they do not want to use. Thankfully, the number of cases where they might want to use it is relatively few. Local authorities do not promote it, so we have vanishingly few of these case reviews in Essex at the moment. I would like to have some ability to hold people to account for that.

**Emily Spurrell:** May I make one quick additional comment? It is on behalf of colleagues as well. Although this is all very welcome, I think that if we are to see an

increase in the number of reviews, there is a real concern to be addressed about the additional burden and, again, the capacity of the OPCCs—offices of the police and crime commissioners—to deliver on some of it. For example, in London, there are 34 local authority areas. That is a lot of case reviews that the Met would potentially have to deal with. There is a real nervousness in lots of areas that people are suddenly going to see a big uptick in demand. I think we would probably ask for additional support in making sure this works with the resource.

**Q100 Dame Diana Johnson:** May I ask about police accountability? The Bill also proposes changes to the Independent Office for Police Conduct's referral threshold, and that may well result in fewer cases going to the CPS. As you are PCCs, what is your view of that and do you think that it will actually be beneficial?

**Matthew Barber:** In the light of some of the cases that have prompted the proposed changes, I certainly support them. I think it is right that that threshold is adjusted; that fits with what is right operationally. I think there are still adequate safeguards in place, and it is where the public and, hopefully, Parliament will expect the threshold to be, so I support the changes.

**Q101 Dame Diana Johnson:** The Bill also provides that the IOPC can send cases to the CPS before the IOPC has concluded all its work. Do you have any views about that?

**Emily Spurrell:** I personally welcome that. We get a lot of feedback about the timeliness of reviews and how long the IOPC takes to investigate. There is the impact that that has on, obviously, the officers, but also the victims and other people involved, so I think anything that can speed up that process—in particular, early conversations with the CPS would speed up the process—is very welcome.

**Q102 Anna Sabine:** Ms Spurrell, you wondered whether we had talked about resources a lot, and it will not surprise you to learn that we have. I want to talk specifically about neighbourhood policing resources. In my local police force, we have seen a 20% drop in the number of police community support officers since 2023, and I know that my principal town of Frome currently has vacancies for PCSOs. Do you have a view on whether the Bill's provisions, including well-intentioned measures such as the retail crime provisions, can be delivered with the neighbourhood policing that we currently have in place?

**Emily Spurrell:** We are very honest about the fact that there are severe challenges in policing. It varies across different police forces, but we know that some forces are facing significant financial deficits. The recent announcement on neighbourhood policing has absolutely helped with that. We very much welcome the additional £200 million announced by the Government a few weeks—or months—ago, and lots of that is being used to invest in areas such as PCSOs and putting that visible presence into areas, which I think will help with some of this.

There has also been some flexibility around that funding. Because of the way the previous uplift programme was run, it was very much ringfencing police officers. We absolutely value that, and we know the public value

that, but you end up in a very difficult position where forces are having to look at PCSOs and staff jobs to be able to balance the budget. Any flexibility that we can get around how the funding is given to police forces, through us, would be very welcome, because that will mean you can start to see PCSOs, for example, playing a more visible role. Certainly the recent neighbourhood policing guarantee has helped with that.

**Q103 Louise Jones:** In my constituency of North East Derbyshire, we have real issues with car theft, and in this Bill we have a couple of clauses affecting signal jammers. I am interested to hear your thoughts on how that will have a practical impact on preventing car theft.

**Roger Hirst:** Car theft has been growing across the country, but it has been particularly spectacular in Essex. Last year, in one area of our county, it rose by 80%, which is dreadful. Jammers are undoubtedly a help. The technology is available to stop the passive entry system, but the criminals are very inventive, and are currently buying in quite expensive bits of kit from Poland, which they can bring in legally. As Mr Barber said earlier, we really need to have the legislation to mean that owning those things is a crime. They are good only for one purpose, but at the moment buying them is perfectly legal. Using them is a crime; having them should be illegal as well.

I have been to see and talk to Jaguar Land Rover, because it was one of the companies particularly hard hit by theft in our area—I think Essex has a good reputation for being good buyers of Range Rovers. It responded very well, and committed to retrofitting security to its vehicles to change the risks of passive vehicle entry, which is basically where you have a key that you do not have to press a button on, and there is a dialogue and signal between your vehicle and your key. That is possible for a criminal to read very easily, because there is no single instance where you are pressing the button. Jaguar Land Rover has made that much more difficult to intercept.

To ban the equipment that could do that would be really helpful. At the moment you have to pay for it, but it is readily available over the internet. It is possible for the car manufacturers to make that more difficult—I think they are always working on it, but they will, however, always have to run ahead of the inventiveness of the criminal. Whatever can be done about the ownership of the bits of equipment that criminals need to be able to break into vehicles that easily would be extremely helpful.

**Matthew Barber:** What will be key here is the secondary legislation—from memory, I think it is clause 78 or 79 that allows the Secretary of State to make additional secondary legislation. That will be critical in years to come. As Mr Hirst said, that technology is constantly changing. A definition in legislation now around signal jammers will no doubt be out of date—possibly even before the Bill gets Royal Assent. It will be critical for the Home Office to keep that list of prohibited equipment under review.

**Q104 Harriet Cross:** I want to reflect quickly on knife crime, and the Bill's provisions on that. First, what are your comments on the clause to make it an offence to possess with the intent to cause unlawful violence? Do



you think that is practically workable? How will that be enforced? More generally on tackling knife crime, what have you seen in your areas that has been good, bad or indifferent? Is there anything in particular missing from the Bill?

**Matthew Barber:** An awful lot of focus in legislation goes on the type of knife being used—the talk about zombie knives and so on. Although I would not oppose the legislation that has been put in place to prohibit the use or ownership of those weapons, the reality is that the vast majority of knife-enabled incidents—whether that is robbery, theft or injury—are caused by kitchen knives, which we cannot realistically outlaw in our society.

I think the use of intent and the ability to seize within private dwellings is really important. The police may be dealing with a suspect for an unrelated offence around drug possession, for example, and while they are in that property, they may see a stash of knives that are clearly likely to be used for criminal purposes—not for someone cutting their salad—yet they would currently be powerless to do anything about that, because they are being legally held in private premises. This is one of the things that I would put in that category of tying up some of the loopholes in legislation, which will not actually cost policing anything. At the moment we have police officers in situations where they cannot use current legislation to protect the public.

More broadly, where we have seen success, certainly in Thames Valley and across the country where it has been done, it is that focus on the possession of knives that is absolutely vital. It is about a good use of stop and search, and making sure that we are focusing not just on the people who are already committing the dangerous offences of robbery and assault, but on getting the knives off the streets in the first place, recognising that possession itself is critical to enabling others to commit further offences.

**Roger Hirst:** I very much agree with that. It has always been a difficult area, but I have never really understood why the previous legislation, and perhaps therefore this legislation, could not simply ban all bladed instruments that do not have a legitimate use in the environment in which they are found.

We had a machete battle on Southend seafront last summer, which was extraordinary. None of those young people had any reason to be carrying a two-foot bladed instrument. In fact, why on earth were they allowed to buy them in the first place? The provisions around purchase over the internet need to be enforceable. It must be the case that people have to produce ID when they order it, and when it is delivered, to prove that they are over 18. But also, why are things like that available over the internet at all? Having talked to agricultural and nature groups, I know there is nothing that you can do with a machete that you cannot do with a billhook, and you are not going to take a billhook to a battle, so why not just ban machetes? That would really help.

Also, with the way the Bill is phrased at the moment, the defence of saying, “I’m only carrying it for self-defence,” would effectively still work, because the implication is that you need to be going out with the intent to cause harm. I think if you are carrying it for self-defence, you are prepared to use it. I would ask the legal brains to think about a way of phrasing it to mean that the plea

of, “I am only carrying it to defend myself,” is equally an offence, because that is something you can carry into a street fight.

**Emily Spurrell:** On Merseyside, notwithstanding some really tragic incidents, we have actually seen knife crime going down. We have seen about a 7% reduction in serious violence, and particularly knife crime incidents. I think there are two reasons for that. First, there has been a huge amount of proactivity. We were the first force to pilot serious violence reduction orders, which have made a difference in terms of identifying the individuals who are routinely carrying knives and posing the threat that has been described. It has been helpful to monitor that. There was a previous question about prolific offenders; we have seen some good success with that.

The flip side of that is public education and engagement, particularly with young people. We work with KnifeSavers to educate about the dangers of carrying a knife, and the fact that you are more likely to be a victim of a stabbing if you carry a knife yourself, even if you are doing it for protection. Through our violence reduction partnership, we have done some work to educate young people and help them to understand how they can get into that situation and what the alternatives are. There is a huge amount of work on education and prevention, which has to go hand in hand with all the enforcement activity.

**Q105 Matt Bishop:** I want briefly to touch on the police appeals tribunal. Police and crime commissioners up and down the country represent the public in holding forces and chief constables to account. In the context of public confidence in policing, how important is it that PCCs have an equivalent right of appeal to the police appeals tribunal?

**Emily Spurrell:** Very important. It was a gap in previous legislation, so in our view, this measure seeks to correct an error. As you say, we are responsible for holding chief constables to account. We are very focused on improving the trust and confidence that the public have in the police, so it is important to have that right of appeal if we feel standards have not been met, rather than having to go through a lengthy judicial review process.

**Q106 David Burton-Sampson:** This is obviously a meaty Bill. There is a lot of really good stuff in here, and much of it will give new powers to existing police officers, to people across the force and to local authorities. As PFCCs or PCCs, you will have a key role in helping to ensure that the Bill is implemented, assuming it passes through Parliament. How confident do you feel about making sure that happens? It is pointless passing laws if they are not implemented on the ground.

**Roger Hirst:** This goes back to the point that was raised earlier about whether we have the resources. I welcome the Government’s commitment to the 13,000 additional people in neighbourhood policing, but the vital thing is that we have the funding to both sustain the current workforce and build the workforce in the way you would like us to. There is a real challenge there, because the police force has expanded by 20,000 over the last six years. Those police officers will all be going through the police contractual incremental pay scales. The big jump

is when they hit five and six years, so there will be a big boost to police pay at that point without us recruiting any more people.

To be able to do what we need to do with the Bill, we will need the resources that we have and the resources that are heading down the track towards us, we believe, which we are very grateful for. But funding the existing workforce is the real challenge, and that in itself is probably going to cost some £300 million a year.

**Matthew Barber:** I completely agree: a lot of it comes down to the money. The only additional point that I would make is about the reliance on other partners in this area. As we awaited our session, there was a conversation about fly-tipping, which is certainly an issue that exercises the police, but at the moment the responsibility for it lies with local authorities. The Bill proposes only some guidance, rather than any duties on local authorities to clear up the waste or to investigate; currently, they have powers but they are not obliged to use them.

On some of the wider antisocial behaviour provisions, as I said in response to the Minister, there is a huge reliance on local authorities to play their part, both in sharing information around reporting and in the exercise of powers. Many of the solutions to antisocial behaviour issues in our communities do not lie within the police remit. They are to do with the provision of housing from social landlords, and to do with the powers that local authorities have, so we need to work collectively.

I am confident that policing, given the right resources, can deliver the things that are in this Bill, but what is key is making sure that all those other partners are able to assist in that. Many of these provisions cannot be delivered by the police on their own.

**Emily Spurrell:** To add to that, it is not just about policing and the partners that Matthew has outlined, but about criminal justice. We know that having more officers and more PCSOs going through the system will create even more pressure on an already struggling courts and prison system. We need to be very mindful of the whole criminal justice approach.

**Q107 Mr Barros-Curtis:** Returning briefly to police accountability, you already expressed support for what the Minister said about amending some of the restrictions, in terms of the thresholds for referral and for whether a final investigation has been completed. On placing the IOPC victims' right to review scheme on a statutory footing, presumably you would support that to build public confidence in the IOPC and what it exists to do for the accountability of police forces in our country.

**Emily Spurrell:** The system does not work very well for victims at all at the minute. The language used and the way that we approach it is very bureaucratic. Anything that can empower victims and ensure that they feel like they are being heard and that they have a right to have their concerns addressed is very welcome.

**Roger Hirst:** I absolutely agree with that. Making it more accessible would involve, as Emily said, using better language. Also, having shorter timeframes is really important.

**Matthew Barber:** I completely agree.

**The Chair:** Gentlemen, lady, thank you very much indeed for your time and for your expertise, which are greatly appreciated.

## Examination of Witness

*Dr Lawrence Newport gave evidence.*

4.49 pm

**The Chair:** We will now hear oral evidence from Dr Lawrence Newport. We have until 5.05 pm for this witness. Dr Newport, could you identify yourself briefly for the record, please?

**Dr Newport:** I am Dr Lawrence Newport and I run the Crush Crime campaign.

**Q108 Matt Vickers:** Having read the Bill, is there anything that concerns you or anything you think we could improve, or are there any measures that you would like to see in it Bill that do not currently feature in it?

**Dr Newport:** There are some points that might be helpful to bring up in broad terms. One of the chief issues that I have heard from the police since starting the campaign a few months ago is that there are a bunch of barriers to things they are trying to do. Some of them have said it that is becoming more and more difficult just to do the basics of their job, so the more things can be streamlined and the clearer we can make what is going on to the public, the better.

Many of us have CCTV, Ring cameras and so forth on our houses. I think there should be an opt-in national database to which homeowners can upload their footage and be paid a nominal fee of some amount annually. At the moment, officers go door to door to collect footage when something happens. At Christmas, everyone on my road had their tyres slashed, and the police had to go round to try to get footage from everyone's Ring cameras individually. That obviously takes a lot of time, and on Christmas day there are not many police around, so things become very complex and take a long time. If there were a national database, I am sure many homeowners, like me, would simply upload the footage. It would be there, and the police could download it straightaway.

Connected to that, homeowners sometimes require planning permission to mount CCTV on their home in case it oversees a public area. If there were exemptions to that, neighbourhood policing would become a lot easier and a lot of burglaries and petty crimes would be easier to solve. If people are attacked in an alleyway, it would be possible to easily get hold of footage that otherwise might be very difficult. That is just on the CCTV side.

I have also heard a lot of complaints from officers about their computer systems. They say that the old systems are very difficult to use, take a lot of time and crash frequently. On some of the newer systems, I have heard a lot of complaints from officers who say that they find the Met system extremely difficult and that it breaks all the time. There is some evidence to suggest that arrests dropped significantly when the new system at the Met was introduced, but it has been very difficult to get any information on that. Freedom of information requests are not successful, and in fact Chris Philp asked in Parliament about it and did not get an answer. A clause to ensure much more transparency about procurement and the effects of different systems would go a long way to helping the public know what is

actually going on inside. It would also help the police explain to the public why there are so many problems—for instance, why so many crimes are simply falling through the net.

**Q109 Matt Vickers:** You did a very good job of illustrating the need for the ability to enter a house without a warrant. That proposal has been drafted in this Bill more narrowly than in the previous Bill. Do you think it will still meet that need?

**Dr Newport:** I certainly support it. The previous wording was encouraging, and it is good to see this happening now, although I would prefer it to go much further. There is an epidemic of phone theft and snatch thefts in general. We now have better and better technology, and of course it will only get better, faster and cheaper. Given that, we should be able to actually use that information. The longer we wait for this and the more difficult we make it, the more detailed these pipelines will become.

My sister-in-law's phone was stolen—it was actually two weeks after I launched the campaign, and only a week after the bike theft video that I did outside the Met—and within a week it was in China. These are very established networks. There is obviously a massive industry that has been allowed to take hold, so we need to give the police the best powers while keeping this in line with people's expectations for their own home life and so on. I supported the previous wording, and I would like the Government to go as far as they can on this.

**Q110 Matt Vickers:** Do you have any views on the approach to hyper-prolific offenders and how to ensure they are properly sanctioned?

**Dr Newport:** I think there should be provision in the Bill to ensure that, particularly for career criminals—people with 15 previous offences to their name—the more offences they commit, the longer they spend in prison for their current offence. That is technically in the current guidelines, but there are a lot of exemptions in the way they are drafted by the Sentencing Council. It should be put into statute that that is a direct, clear statement that the Sentencing Council should follow, and we should make sure it is super clear to judges.

**Q111 Dame Diana Johnson:** More generally on antisocial behaviour and some of the provisions in the Bill, do you support what respect orders could help to deliver in tackling antisocial behaviour in our communities?

**Dr Newport:** I support a ream of measures before people get to 15 or more offences—before they get to the point where they are career criminals or hyper-prolific offenders. Early intervention is of course the absolute key, if you can get people before they enter that point. I support all measures to try to do this as fast as possible. That means tagging, and other such measures—*[Interruption.]* I support them, but the building does not.

We have very good evidence that the earlier we intervene—it is not just early intervention, but the speed of that intervention. We have to make sure in statute that people are seen in a courtroom very soon after their first, second or third offence. That would mean that we see meaningful change and people not

entering the career criminal pathway. Once they have done, we of course need to imprison them for longer periods.

**The Chair:** Dr Newport, I do apologise for the lighting effects.

**Dr Newport:** It is okay. It is like stadium lighting—I like it.

**Q112 Harriet Cross:** I want to ask about respect orders and the fact that they are pitched to come in at age 18 and over. Given how much antisocial behaviour is by juveniles, what would your view be on reducing that age to 16, or whatever level you might think? Or do you think 18 is pitched about right?

**Dr Newport:** There is good reason to consider it for 16 and above. That is because, exactly as you said, a lot of antisocial behaviour does happen at 16 or 17, and actually so does quite a bit of crime. There is good reason at least to look at the impact of doing that, and at whether it would help prevent people from going down the pathway to becoming career criminals.

**Q113 Keir Mather:** Thank you very much for your evidence, Dr Newport. I want to look back to something that you said at the beginning of your remarks about encouraging citizens to use CCTV in their homes to better allow the police to prosecute crimes. One issue that does recur, even when CCTV is available in people's homes and they can say to the police, "Look, I've got this here for you to be able to use to catch who perpetrated this burglary", or whatever else, is that the CCTV is not always used in the way people would like. I wonder if you could speak to that.

I think there is also a bit of a regional inequality point. In my part of Yorkshire, North Yorkshire, there is live access to CCTV in York. That can be important in allowing people to deal with crimes in the moment, as they find them, and to direct police forces to the right spot. In Selby, however, our CCTV looks like it comes out of the 1970s; it is too blurry and grainy to use half the time, and it poses major challenges for the police. Can you point to how those practical realities affect your earlier remarks?

**Dr Newport:** That is why home CCTV is so useful. Cameras now are vastly cheaper than they were even 20 years ago when a lot of this infrastructure was put in place. You can get high definition cameras now on your doorbell in a way that 20 years ago would have been obscenely expensive. For the price of £30, homeowners with one of those cameras can probably outcompete, in a lot of ways, the national infrastructure or otherwise that was put in a long time ago.

I completely agree that it is extremely frustrating that a lot of the time, even when there is CCTV, it is not being looked at or used. There are several ways of encouraging that and making it easier. One is that there should be clauses on the procurement of artificial intelligence systems that could scan that footage. It is extremely likely that current systems can do that, and future systems will certainly be able to do it. Give a system indications of what to look for, and it can highlight that to officers within seconds. We should have that, and the fact that it is not used at all is astounding.

It should also be the case that officers have training so that they look at footage in the most time-efficient way. For example, with binary searches, rather than viewing the whole footage on fast forward to see an incident, if you are looking for a bike missing, for instance, you watch the bike. You check in halfway through the footage—is it there or not? If it is, you check at 75%—is it there or not? You keep doing that in halves, and you can do an extremely fast search. It might take you minutes, when otherwise it would take you hours to go through footage. Some officers are still going through hours and hours of footage rather than simply using methods that we know work extremely well.

**Q114 Joe Robertson:** Solving a set of issues in a given day depends on well-worded law that is targeted at the problem it is trying to solve. Can you share your views on backing that up with the appropriate resources, be it money or technology, for the police to be able to deliver on the law? Over the last decades, we have seen more and more criminal law come into being without necessarily the resource to back it up. Can you comment on the interplay between well-worded law and the resources for police to be able to act on it?

**Dr Newport:** On the resources point, some of my ideas here have been around CCTV procurement and AI. I think those things would help to reduce police time and costs. It should also be ensured that the public can see the effects of these things—that they are transparent and we are able to check on them, which at the moment we do not seem to be able to do. The fact that I have to try to ask an MP to ask a question in Parliament about the Connect system and still cannot get a response—there is still no way of checking—is completely and utterly unacceptable.

It is also the case that the British public, in survey after survey, put healthcare as the thing that they want to see the most funding to. Education and criminal justice are joint second and third. Government funding is nowhere near the public's priorities on this. That is what I would point to on the funding question.

**The Chair:** Any further questions? No. In that case, Dr Newport, thank you very much indeed for finding the time to talk to us. We are grateful for your evidence.

### Examination of Witness

*Sam Durham gave evidence.*

5.2 pm

**The Chair:** We will now hear oral evidence from the National Farmers Union of England and Wales. We have until 5.20 pm for this witness. Could you identify yourself for the record?

**Sam Durham:** I am Sam Durham, the chief adviser for land management at the National Farmers Union.

**The Chair:** Good afternoon, Mr Durham. Thank you very much for joining us.

**Q115 Matt Vickers:** Having read the Bill, is there anything that concerns you or anything you would seek for us to improve? Are there any measures that you would like to see in the Bill that are not currently in it?

**Sam Durham:** I lead on rural crime for the National Farmers Union, and we are quite keen that the Bill is rural-proofed so that rural communities get the benefit from these changes as much as possible. Our quick view of the Bill is that the area we are particularly interested in is fly-tipping—that really blights rural communities and private landowners. We feel that there is currently a gap in local authorities addressing that. Some work very effectively on it, others rely on the police and others rely on other Government agencies. We find that it is not clear to a landowner with a fly-tipping incident how it gets dealt with. It is a bit of a lottery across the country. The improvements on guidance in the Bill are to be welcomed. We welcome that side of the legislation.

We feel that the ability to search without a warrant for electronic goods—that was mentioned by the previous speaker—could have benefit for agricultural theft. We encourage our members, wherever possible, to fit tracking devices to their vehicles and machinery. Having talked to some of the national police chief leads I have contact with, they would welcome the ability to track a stolen tractor or quad bike and then enter the premises where they believe it to be. I know that the legislation is focused more on phone theft, but we think that there could be the added benefit of addressing equipment theft. We welcome the Government pushing for secondary legislation on the Equipment Theft (Prevention) Act 2023, which should help that side as well.

Finally, one thing that my members mention to me quite a lot, which is on the offensive weapons side, is that they deal quite a lot with poaching and other incidents on-farm. One unfortunate trend we have experienced in various parts of the country is the use of catapults. They are being used to kill wildlife and farm animals, as well as to cause criminal damage to tractor windows and the like. Catapults could be added to the list of offensive weapons. A criminal element is using them now, because if they are caught in possession, it is not so easy for the police to push a prosecution through. That is what we welcome in the Bill so far.

**Q116 Matt Vickers:** The financial penalties for fly-tipping have gone up, and changes to guidance are now coming in. Is there anything else you think we could be doing in that space? Previously, it was suggested that those responsible for fly-tipping should incur points on their driving licences. Is there anything else you think we can do in that space, and what do you think of that proposal?

**Sam Durham:** We have worked quite closely with the police and the Government on hare coursing legislation, which allows the seizure of items that are used. In hare coursing incidents, the dogs are valuable assets, as are the vehicles. Certainly, those kinds of measures could act as a further deterrent, but from a landowner's point of view, it is that key issue of which authority's responsibility it is. I think it is clear that it should be the local authority. Police have found they are having to address it, and I know police and crime commissioners see it as a priority, but that does cause confusion on the ground for the landowner about who deals with it and what happens when you have an incident. Once the tipped rubbish is there, it is the landowner's responsibility to clear it up.

**Q117 Matt Vickers:** There are measures in the Bill around the seizure of vehicles that are used antisocially. Do you have any views on that, or is there anything else you think should be done in that space?

**Sam Durham:** Again, that works as a good deterrent in some rural criminality, so we would support those kinds of issues. We do look at food security issues as well, including the illegal import of meat. I know our president is keen to investigate whether there is the potential to seize and crush those vehicles as a deterrent measure.

**Q118 Keir Mather:** Thank you for coming to give evidence today, Mr Durham. Rural crime absolutely blights communities across my rural North Yorkshire constituency, and a lot of the measures in the Bill will make a difference, whether they are to deal with off-road bikes, the theft of equipment from farm vehicles or fly-tipping. However, the substance of the law matters in its application, and a big challenge that we have in the Selby district is cross-border crime: criminals will perpetrate some of these acts on one side of a border and slip across to South Yorkshire or West Yorkshire and evade detection by the police. Does the NFU have a view on how we can take some of these provisions but operationalise them in a cross-border way to make sure that these criminals are brought to justice?

**Sam Durham:** Certainly. For a long time, while we have been working on crime, we have always pushed for co-ordination and consistency as the key. My members on any county or police force boundary will certainly say that they have the issues you mentioned. A criminal will know that they will get treated differently in one force area compared with the other, and stolen equipment can be taken across borders where there is less chance of investigation and action. We welcome some of the work the National Police Chiefs' Council is doing now, including bringing together the national rural crime unit. The Home Office has funded that unit for the next three years, and that is positive news. Information sharing, the sharing of best practice and linking forces together is key.

We see that there is also a challenge for the Government to work across Departments. I was at the National Rural Crime Network conference on Tuesday, and the Department for Environment, Food and Rural Affairs and the Home Office were there. There are instances, such as with the Ministry of Housing, Communities and Local Government and fly-tipping, in which other Government Departments can work together more at a national level and filter that down to working together on a local level.

**Q119 Anna Sabine:** I represent Frome and East Somerset, which has a large number of NFU members and farmers, who I meet a lot. They tell me frequently that they do not bother reporting rural crime, because they just do not think there is any value in doing so or that it will ever be resolved, which massively frustrates the local rural crime PCSO, because she never gets the intelligence she needs about what is happening. From an NFU point of view, do you feel there is enough in the Bill on rural crime to reassure farmers that the Government are taking their concerns seriously, and that, if they report rural crime, something will be done about it?

**Sam Durham:** Not necessarily in the Bill; it is all linked to funding, and the fair allocation of police funding as well. A lot of rural forces that I speak to, including Avon and Somerset and Lincolnshire, will say that the funding they receive from central Government

does not necessarily reflect the operational issues they have in remote rural areas with tourists and vulnerable communities that take a long time to get to.

We challenge our membership to report crime. There is a culture in farming to just get on with it—if your fence is damaged, you repair it yourself, and it is not worth reporting—but we have sent that message out, and we are working with the police to say, “You do need to report it, because there’s no way you can increase police support or funding without that understanding of how much crime is occurring in rural areas.” We work with other agencies, which say that a lot of that crime is potentially linked to organised criminal networks. The reporting aspect is an important part of building that picture.

**Q120 Louise Jones:** Farmers in my constituency of North East Derbyshire tell me that they have a frustrating issue with off-road bikes often being used across their land. Do you think the Bill goes far enough with the new powers to seize those vehicles?

**Sam Durham:** I think it does. That power to seize vehicles that are being used in an antisocial manner is key. We think of farming in rural areas, but the urban fringe area is key to where vehicles—bikes, quad bikes or even off-road vehicles—are used in an antisocial manner. Many farmers flag it to me that those people are out there, and the measures in the Bill look positive on that side.

**Q121 Harriet Cross:** Missing from the Bill is anything to do with livestock theft or worrying. Do you consider those to be covered sufficiently in other legislation, or would you like to see something included in the Bill to recognise that that is a huge issue for farmers and rural landowners? I do not want to diminish theft from a shop in any way, but the value of a cow or sheep is significant. Should that be better represented in the Bill?

**Sam Durham:** On the livestock worrying issue, there is a private Member's Bill progressing at the moment—the Dogs (Protection of Livestock) (Amendment) Bill—that I believe the Government have said they will support. A lot of the measures in it have appeared at other times in legislation but then been dropped. We have worked quite closely with National Police Chiefs' Council and others, including the Royal Society for the Prevention of Cruelty to Animals and the Kennel Club, and we would support a lot of those measures to give the police more powers to investigate, seize dogs and take samples to link dogs to attacked animals. I think that that Bill, if it progresses, will cover that issue.

Livestock theft is a complicated issue, because you need the skills to handle livestock in order to steal livestock, but it is a concern, because there are routes for livestock to enter the food chain, and if animals are being stolen and processed in a different way, there are potential food hygiene issues. The picture on livestock theft is not clear at the moment. The National Rural Crime Unit now has a livestock theft co-ordinator, who is doing a lot of research into how livestock theft is recorded by the police. At the moment, there is not a clear picture of how it is recorded by each force, so there is not a national picture on livestock theft. Again, we have the issue of how it is reported by our farming members. There are not measures in the Bill on livestock

theft, but, potentially as a result of the research that the National Rural Crime Unit is doing, there could be scope for future legislation on it.

**Q122 Keir Mather:** I want to ask about the confidence that individual farmers will have in these measures. We are in an unenviable situation at the moment. Farmers in my constituency deal with criminality frequently, and they have to step up themselves and put themselves in danger. I was speaking to a farmer in Brotherton the other month who had chased a gang of people on off-road bikes across his farm, putting himself at personal risk and danger. Do you think that, if implemented correctly, these measures will provide individual farmers with reassurance that they will not have to put themselves in similar danger in the future?

**Sam Durham:** I hope so. In general, the rural community and farmers have a good relationship with the police. They recognise the challenges the police have with low numbers, but where forces have a rural crime team, they build a link with the local community and the farming community. When I go to meetings around the country, I hear that rural crime is a big issue, but they support the police; they just want to give the police the tools to deal with the criminality they are having to deal with themselves.

Certainly, the link to organised criminality is worth investigating as well. The theft of a quad bike from a farm may seem a low-level crime, but it is potentially funding bigger networks. On the fly-tipping side, there is evidence that waste crime is linked to organised criminal activity as well.

Putting the picture together—I have given you a long answer—I think farmers will be reassured that the Government are taking this issue seriously. Alongside some of the other legislation, on equipment theft and livestock worrying, the Bill shows that rural crime is being taken seriously.

**Q123 Joe Robertson:** May I take you back to fly-tipping? We heard earlier how it is a problem for local authorities, but they are clearly more resourced than private landowners, who often own the sites where rubbish is dumped. Is there any opportunity missed in the Bill to try to tackle fly-tipping, particularly for people who, through no fault of their own, have waste dumped on their private property?

**Sam Durham:** The guidance to local authorities is key, and there are some really good examples of local authorities that are bringing all the agencies—the Environment Agency, the police and so on—together and having a co-ordinated approach to tipping. That means that members of the public know who to go to when they see an incident. There is not a general approach to that across the country, so if there is any way of legislating for that approach, or putting it in the local authority guidance, to make that happen, that would be key.

For the victim—the landowner—it is about knowing where to report, so having a single reporting mechanism that gets to the right people. They cannot view a tip and say, “That’s hazardous waste; that’s the Environment Agency’s responsibility”, “That’s the local authority’s responsibility” or, “That’s just rubbish thrown out of the back of a car.” They cannot judge that. A single

reporting system that allowed them to log it and then found the right person to deal with it is something we would be campaigning for.

**The Chair:** Mr Durham, thank you for joining us and for so ably expressing the concerns of the National Farmers Union of England and Wales. We are most grateful to you.

### Examination of Witness

*Venita Yeung gave evidence.*

5.18 pm

**The Chair:** We will now hear oral evidence from the group Stand with Hong Kong. We have until 5.35 pm for this witness. Could you please identify yourself for the record?

**Venita Yeung:** Thank you, Chair and members of the Committee. I speak today as both a Hong Kong-born refugee in the UK and a representative of Stand with Hong Kong, a 100% grassroots, independent and crowd-funded advocacy group that runs the secretariat of the all-party parliamentary group on Hong Kong.

**Q124 Matt Vickers:** Having read the Bill, is there anything that concerns you that could be improved? Are there any measures you would like to see in it that are not currently in it?

**Venita Yeung:** I would like to draw the Committee’s attention to a grave risk posed by the public order clauses, particularly those that would criminalise the act of concealing one’s identity at protests. For many Hongkongers in the community, face coverings at protests are not a matter of convenience or anonymity; they are a matter of safety—a shield against foreign repression. This is not theoretical; it is already happening in our country.

As you may know, in the past few years, the national security law in Hong Kong and article 23 has created a climate of fear. Its extraterritorial reach means that even actions taken in the UK can result in repercussions thousands of miles away. Even community groups that meet privately with parliamentarians often ask not to be photographed or named publicly, for fear of being identified by foreign state actors.

At anti-Chinese Communist party protests, which often take place in the UK, it is very common for participants to be photographed by pro-Beijing individuals, as mentioned in the report by the Intelligence and Security Committee in 2023. Those images are often passed back to Hong Kong or Chinese authorities, or circulated on Chinese platforms such as WeChat group chats or Weibo. As a result, many protesters have been doxed and their families back home visited or harassed by the police force. It is a common tactic deployed by authoritarian regimes to silence dissidents and mobilise their members in the overseas diaspora to monitor fellow members of the diaspora and minimise or silence democratic, dissenting voices. The press has documented multiple cases of Hong Kong protesters and Chinese international students being reported by their peers for attending peaceful protests in the UK.

**The Chair:** Ms Yeung, I certainly do not wish to be discourteous, and neither do I wish in any way to make light of the very real concerns you are expressing, but

could I ask you to relate your answer very specifically to the question that was asked: how can the Bill be improved or amended to address some of the issues that are of concern to you?

**Venita Yeung:** If the Bill is passed in its current form, it would criminalise the safety precaution that many in our community must take to avoid identification. I think that the clause that would criminalise concealing one's identity at protests should be taken away.

**Q125 Matt Vickers:** The challenge for the Government is that a huge amount of money is spent managing protests in this country. In London, we spent around £53 million managing pro-Palestinian protests. Some of the measures are designed to aid the police in managing protests and protecting the public from people who would do them harm. How do you think we can best balance the need to allow peaceful protest with the need to prevent disruption and prevent people from using face coverings to avoid being detained by the police?

**Venita Yeung:** That is an interesting question. I can only speak from the experience of anti-CCP protests, most of which are very peaceful and do not result in any kind of arrests. To balance the needs of public order, the police could always communicate with protest organisers ahead of the protest, and improve their relationships with community leaders to see how they can facilitate a peaceful protest, instead of deploying measures that inadvertently assist authoritarian repression.

**Q126 Dame Diana Johnson:** I listened very carefully and am very concerned by what you have said, but I want to highlight that the provisions in the Bill, specifically clauses 86 to 88, do not apply to all protests. It is not a blanket provision that says, "You can't hide your face at a protest." Clause 87 is designed only for those purposes where a senior police officer reasonably believes that a protest is

"likely to involve or has involved"

the commission of criminal offences. Having set that out, do you have a different view on that clause?

**Venita Yeung:** This is a complex issue, but I will try to summarise my view. The power is devolved into police hands to decide whether criminal offences will take place in a protest. At the recent Chinese embassy protests, where there were over 20 police cars and over 6,000 protesters, there were clashes between organisers and police where a disproportionate amount of police power was designated at those protests. For context, lots of Hongkongers who have recently settled here might not understand English perfectly, which could lead to them misunderstanding police instructions.

If more police powers are given, in that case, it could easily have led to an abuse of power, especially when the police do not understand the nuances. I believe there is a letter addressed to the Met police about disproportionate measures being applied to the Hong Kong and repressed Chinese community protests, drafted by Tom Tugendhat MP and Sir Iain Duncan Smith MP.

**Q127 Dame Diana Johnson:** But do you accept that we are a rules-based country with the rule of law and that there are checks and balances on the police?

**Venita Yeung:** Yes.

**Dame Diana Johnson:** That is why we are very specific in what the clause says. It is not a blanket ban on hiding your face if you feel that you have to; it applies only if a senior police officer believes there is going to be the commission of offences.

**Venita Yeung:** That is a very good question. The Government can try to clarify the provisions around the suspicion of crime to clarify what the suspicion of crime here is. I understand the proportionate need to lay out clear rules, but sometimes most of those criminal offences are quite broadly defined.

For example, last time when the protest was organised, the police ordered the protesters to stay only within a very small area. If you stood outside of the area you could get arrested, and that was linked to another offence—the blockade of the highway. I urge the Committee to understand that it is a very easily reached threshold for the criminal offence of suspicion. There is a need for the Government to balance that, especially when it comes to protest-related laws.

**Q128 Dame Diana Johnson:** Just to be clear, are you saying that you should not be able to stop someone from covering their face at any protest? Is that your position?

**Venita Yeung:** My position is that if it is about very obvious criminal intent, the Government need to clarify this very broadly defined offence. I think the Government should clarify it so that we can balance the power of police and organising a democratic protest.

**Q129 Anna Sabine:** I think you are doing really well, Ms Yeung; thank you for coming in. Just a quick question, although I probably know the answer: can I assume that your concerns about face coverings would also apply to the use of live facial recognition technology for protests?

**Venita Yeung:** Yes.

**Q130 Joe Robertson:** I appreciate that this is not a debate between elected Members, but I am not entirely sure from that exchange with the Minister whether the witness got the idea that face coverings would be banned only if there was a suspicion of a crime. There is a defence here for using face coverings to protect someone's health or for "religious observance". Perhaps Ms Yeung is looking for another type of defence whereby if someone believes they are under political threat—perhaps from a Government or organisation abroad—that would be a fair defence for wanting to protect their identity. I wonder whether she might comment on that possibility.

**Venita Yeung:** Um. Yes, I think—

**The Chair:** It is quite all right; take your time.

**Joe Robertson:** Can I reword that, to be helpful? In the Bill, there is a defence to allow people to wear a face covering. One of the examples is if it is for their health, so I imagine there might be a health reason why someone might need to wear a mask. Another example is that if someone has a face covering because of a religious belief, they should not have to remove it in a protest. If there was another defence—I am not advocating for it, but I am suggesting it—whereby someone could say

[Joe Robertson]

that they are under threat from a foreign Government or organisation and they fear for their personal safety, would that satisfy your concern for people from Hong Kong, for example, but also other places?

**Venita Yeung:** Yes. I think this is a very proportionate defence to add to the Bill. This would definitely safeguard communities against their fear of being spied on by their peers or state-aligned actors—for example, the state-aligned Chinese international students who violently attacked Hong Kong protesters in the Southampton protests in 2023.

**Q131 The Chair:** Ms Yeung, I suspect that there are probably a number of things that you wish to say to the Committee that you have not really had the opportunity to express. Please feel free to write to the Committee through the secretariat, and your views will be given the proper attention. Feel free to put any other comments that you have in writing. I suspect that it may have taken you a fairly considerable amount of courage to come here this afternoon; we really are most grateful.

**Venita Yeung:** Thank you. I just want to add another point here before I finish. For many of these people—for many members of my community—I think it is really important to strike a balance, because these protests are not just a way for them to express their dissenting voices, but part of their identity and part of the community cohesion. It is also the reason why over 200,000 Hongkongers are now in the UK. It is the reason why they are here. I hope the Committee will take account of that factor when considering the Bill, and view these clauses with that lens.

**The Chair:** Thank you very much.

#### Examination of Witnesses

*Dame Diana Johnson MP and Alex Davies-Jones MP gave evidence.*

5.35 pm

**The Chair:** We will now hear oral evidence from Ministers for the Home Office and the Ministry of Justice. We have until 5.50 pm for this panel. Will you introduce yourselves briefly for the record, starting with the Policing Minister?

**Dame Diana Johnson:** I am Diana Johnson. I am the Minister for Policing, Fire and Crime Prevention.

**Alex Davies-Jones:** I am Alex Davies-Jones. I am the Minister with responsibility for victims and violence against women and girls.

**Q132 Matt Vickers:** We have heard lots of comments about fly-tipping, and we know it comes at huge cost to the taxpayer and local authorities. The measures in the Bill talk about guidance. The last Government increased fines and penalties for these offences. If the guidance can maximise the impact that local authorities can have and their understanding of what they can do, that is great, but will you give us a flavour of what that guidance might look like? How effective do you think it

will be? Are the Government prepared to engage with or consider suggested improvements in this area during the Bill's progress?

**Dame Diana Johnson:** Thank you for the question. Having heard the evidence this afternoon, and this morning as well, I am happy to reflect on what has been said. Clearly, setting out the statutory guidance that will be made available will help to provide a consistent approach. Points were made about the inconsistent way that fly-tipping is being dealt with, and about the fact that perhaps not all local authorities are using all the powers they have. I think there is merit in having that statutory guidance set out, but I am willing to look at other proposals that might come forward.

**Q133 Matt Vickers:** On retail crime, I was delighted to see the assault on retail workers offence in the Bill. Previously, the Criminal Justice Bill included a mandatory requirement for a ban, tag or curfew after three incidents of shoplifting or assaults on retail workers. What is the rationale behind ditching that? We have all heard about the horrors that some retail workers face, and a ban, tag or curfew would allow a bit of respite by getting those people out of stores and letting people get on with their jobs.

**Dame Diana Johnson:** It is fair to say that the power is already available to courts, when they convict on shop theft—and hopefully soon on assaults on shop workers—to use the full range of sanctions, which includes tagging, community service and a whole range of things. With the offence of assault on a retail worker, we are making a specific presumption that a criminal behaviour order should be attached to it. We are not, in any way, saying that it may not be appropriate to use a tag.

I have also been told that a lot of prolific shoplifters—the people who are committing these offences—have chaotic lifestyles, and tags are not always going to be the most effective way of dealing with them. That is something to be mindful of when you are saying, “That has to be part of the punishment.” That is why the court should use its discretion to apply whatever sanction is most appropriate for that individual.

**Q134 Matt Vickers:** We know that dispersal orders and public spaces protection orders are of huge value, and that they can have a big impact in controlling antisocial behaviour and so on. The Criminal Justice Bill liberalised the use of such orders—it made them more accessible to police officers and local authorities. Why would we want to remove some of that freedom to put them to use more easily? What is the rationale for that?

**Dame Diana Johnson:** On dispersal orders, we have taken the view that this is a power that should be given to the police and kept with the police. We do not think it should be used by local authorities. We think it is a serious power, and the number of hours it can be used for is going up, so the police are best suited to make those types of decisions.

**Q135 Matt Vickers:** Last but not least, you might know that off-road bikes are a real hobby horse of mine. They are an absolute nightmare in my part of the world, as they are in many others—they are an epidemic. They are largely non-road-legal bikes that are being



used by youngsters to commit antisocial behaviour or to enable crime. We have mentioned today briefly that there are several powers available to police. You are slightly editing section 59 of the Road Traffic Act, and we talked about the Police Reform Act 2002, which you are amending to allow people not to be given notice. Are the Government willing to look further at what more we could do in that space, particularly around allowing the police access to private dwellings, what happens to these bikes when they are seized by the police and any measures that could limit the sale of these bikes and reduce the number that are getting on to the streets?

**Dame Diana Johnson:** It is very disconcerting when you keep being lit up and then plunged into darkness, so I apologise if I cannot remember everything you said, but we certainly think that what we are introducing to get rid of the warning requirement is important. All members of the Committee know how the use of e-vehicles to commit antisocial behaviour blights communities, whether it is motorbikes, mini motos or e-scooters. We think this is a really important tool that the police will be able to use to seize these vehicles without having to give the warnings, because we know that that frustrates the police and communities. We think that removing the warning requirement will be very impactful, but I am certainly prepared to look at other measures as well.

**Q136 Matt Vickers:** I have one last question on that. As we have mentioned, there are several powers in several pieces of legislation that allow police to do it, sometimes with notice and sometimes without, often based on whether or not they have insurance and where the bikes can be seized from. Am I right in thinking that there are no numbers held nationally on which of those powers have been used to seize bikes and by which police forces? I am not aware of that, and therefore I cannot decide how effective the measure would be.

**Dame Diana Johnson:** One of the frustrations I have found since becoming the Minister for Policing is that data is not held centrally. We have problems with data because of the changes that were introduced during the coalition years to devolve everything down to the 43 police forces, which often measure things in slightly different ways. One of the measures we will introduce will try to provide clear data to the Home Office, so that we can see what is going on with such matters, which are of real concern to communities. We want to make sure we have accurate data, and you are probably right that we do not have that now. Police forces are probably using different ways of categorising antisocial behaviour involving vehicles, so I take your point on that. There is work to do.

**The Chair:** Ms Davies-Jones, I am conscious of the fact that most of these questions are the responsibility of the Policing Minister, but is there anything you wish to add?

**Alex Davies-Jones:** Nothing on this part, Sir Roger. I am happy to come in on the Ministry of Justice measures.

**Q137 David Burton-Sampson:** My question is for Minister Davies-Jones. I declare my interest as a member of the Women and Equalities Committee, as this relates to our work on that. I have a big interest in

the Government's mission to halve violence against women and girls. Can you outline to us what measures in the Bill will help to meet that goal?

**Alex Davies-Jones:** We see the Bill as a key tool in our arsenal for achieving our ambition of halving violence against women and girls over a decade. The Bill has a number of measures and new offences that we think will go some way towards achieving that mission, be it strengthening stalking protection orders, clarifying the law around spiking, tackling the taking of intimate images without consent, or the new laws on child sexual abuse material, which we have heard about. There are a number of new offences in the Bill that will go towards achieving our mission. It will sit nicely alongside the tackling violence against women and girls strategy, which the Government will publish later this year.

**Q138 Anna Sabine:** This question flows on nicely, because the Bill creates a lot of new offences and orders, but one of the themes of today has been resourcing. I wonder to what extent the Government have considered the impact that the Bill will have on the police, the courts and local authorities.

**Alex Davies-Jones:** All of the impact assessments have been published on gov.uk outlining this; that has been done. Members will be well aware of the crisis that we have inherited in the criminal justice system, be that within the court system or the prison system. However, we feel it necessary to make sure that there is always a prison place available for those who require a prison place, for public protection and for punishment. That is why we have introduced the Bill, while recognising that within the criminal justice system we also have a number of reviews that are taking place independently, be it the sentencing review or the review of our courts.

**Dame Diana Johnson:** I will just add that we had the police settlement at the end of January. We listened to what the police were saying, particularly about our commitment on around neighbourhood policing and the 13,000 additional police officers and PCSOs during the course of this Parliament. We doubled the amount of money going in to kickstart that from April, from £100 million to £200 million. Overall, the police settlement has gone up by, I think, £1.2 billion. Additional money is going in, but I agree with what the PCCs said about the challenging circumstances that some forces are in. We recognise that, and there is a proposal—a White Paper—coming forward on police reform, because we think we can do things more efficiently and effectively as we go forward.

There is certainly work now around the efficiencies that we can get out of the policing budget, in terms of things such as buying fleet, if we do it together rather than individual police forces doing it individually. IT can also be done together, rather than being done individually by 43 police forces. There are savings to be made there, which we want to plough back into police funding.

**Anna Sabine:** Can I ask a quick follow-up question?

**The Chair:** Not at the moment.

**Q139 Matt Bishop:** Minister Johnson, could you briefly explain the Government's rationale and thinking in not making it a criminal offence for a person in regulated activity to fail to report child sexual abuse?

**Dame Diana Johnson:** We heard from witnesses today who talked about this, and we are very conscious that regulated activity does not just include the people you would expect—perhaps social workers or teachers—but it can include, for example, taxi drivers who are taking children to school on the taxi run in the morning. It can also include volunteers who run the football club on a Saturday. It can include all sorts of people who volunteer their time to help out and work with young people, and to give back to their community.

We were very conscious that the recommendations that came out of Alexis Jay's inquiry were not about criminalising those individuals. We want to make sure that individuals report to local authorities and the police when they hear really disturbing things from children and young people about sexual abuse—of course we do—but we did not think that it was appropriate to criminalise in that way. What we were very clear about—again, I think that Alexis Jay's inquiry made this point—is that if anybody tries to interfere with or stop that reporting, that is the criminal offence. That is the bit that we think is important to have in the Bill. Alex has probably got something else to say on that.

**Alex Davies-Jones:** I just wanted to briefly come in to counteract some of the evidence that we received from Councillor Garratt earlier today. He was incorrect. There are sanctions in the Bill—professional sanctions—for those who fail to report. That also covers anyone working voluntarily or professionally with children in a religious setting. I just wanted to put that on the record.

**Dame Diana Johnson:** That is absolutely right. If you are a social worker and you do not report to the local authority or the police, there will be repercussions through your regulatory body and also through the Disclosure and Barring Service.

**Q140 Harriet Cross:** Thank you both. On retail crime, we heard in panel 4 that in Scotland, delivery drivers are included in provisions relating to the abuse, and so on, of retail workers. What work was done alongside the Scottish Act, or looking at Scotland, to reach the decision that they would not be included in this Bill?

Secondly, on respect orders, we have discussed reducing the age from 18. Why was 18 chosen? After the evidence that we have heard today, would any consideration be given to reducing the age, given who is responsible for most, or a lot, of antisocial behaviour?

**Dame Diana Johnson:** On the point about antisocial behaviour and why respect orders apply at 18 and above, that is because we are really clear that we do not want to criminalise young people. We do not think that it is appropriate to reduce the age limit to 16. Of course, civil injunctions are already in place to deal with young people under 18 who engage in antisocial behaviour. I think they will be called youth injunctions. They will carry on. We are also committed to prevention partnerships, which means identifying those young people who are getting themselves into difficulty, antisocial behaviour or other criminal activity, and trying to work with them early on. I think that keeping young people and children out of the criminal justice system as much as we can and diverting them is key to this. That is why the respect order is post 18.

On retail crime, it was a manifesto promise in the Labour manifesto last summer that we would introduce this particular measure. That was specifically about the

fact that some retail workers are carrying out a public service duty. For sales of alcohol, they have to check the age of the individual, and they do so in many other instances as well. For sales of knives, you have to check. That is why we wanted to have a specific offence dealing with assaults on retail workers carrying out that particular role.

**Q141 Harriet Cross:** With respect, a delivery driver would be delivering such products as well.

**Dame Diana Johnson:** What we have said is that we are very conscious that we want to look at this. Again, it goes back to poor data. Because at the moment assaults on retail workers are treated just as assaults and not separated out, we are very keen to get the data to see what is actually happening with retail workers. I am very happy to look at suggestions that the Committee might have, but our proposal at the moment is to be very clear: we want to bring this particular measure in for assaults on retail workers because of what I have just described—the public service duty that they have. But I did hear the evidence earlier, and I heard what was said about Scotland as well. I am very happy to consider that and to look at it.

**Q142 Mr Barros-Curtis:** I want to follow on from that point about assault on a retail worker. In relation to what you said, Minister Davies-Jones, and what we heard in evidence about equivalence with the emergency worker assault provision when that was introduced, I used to serve on the Justice Committee, and because of the shocking court backlog—one of the inheritances from the last Government—the chance of getting a prosecution for that and getting through to a conviction at the Crown court was very, very slim. What cross-Government working will the Home Office, the Ministry of Justice and so on be doing to try to tackle that so that the equivalent does not happen with the provision for assault on a retail worker?

On police accountability, we have had some very public examples of PCCs and chief constables falling out, and the fall-out affects confidence in policing and has a pecuniary impact on the taxpayer. What confidence do you have, Minister Johnson, that these measures will not cement that but will help to restore confidence and ensure that there is adequate confidence in our policing, and that they will not lead to further fracturing in that relationship?

**Alex Davies-Jones:** Shall I take the courts point first? Of course, conversations have been happening incredibly closely—hence why we have two Departments represented on the Bill Committee—on the court impact from this. As I said, all the impact assessments have been published on the gov.uk website, but we have also taken measures to free up capacity in the Crown court system by allowing magistrates bigger sentencing powers. We also have the independent review being done by Sir Brian Leveson to look at what other steps we could take to address the issue in our court system. We have also funded, in the next financial year, the Crown courts to sit to their highest ever capacity, in terms of what we can give as a Department. We are making sure that for the court sitting days that are available, we fund them to the highest level that they have ever been at.

**Dame Diana Johnson:** On the point about PCCs, chief constables and restoring confidence in the police, one reason why we have a White Paper coming down

the track later in the spring is that we do need to do some work around the relationships between PCCs and chief constables. We think that there is work to do there. We also think there is still more work to do around vetting. We said, as one of our manifesto commitments, that we would bring in mandatory vetting standards for police officers—for when they come into police forces. There is a whole range of things we need to do alongside the restoring of police officers in all our communities. We have those 13,000 officers in our high streets, villages and communities because, again, that visible presence is how you start to restore confidence generally.

**The Chair:** I call Joe Robertson for a 15-second question, to be followed by a 15-second answer.

**Q143 Joe Robertson:** If I may say so, from the evidence we have heard today there appears to be a loophole on spiking, in that somebody has to intend to annoy, but we have heard there can be reckless activity around a prank. Will the Minister go away and consider whether gross negligence around pranking could be captured under the spiking law?

**Alex Davies-Jones:** I heard that evidence, as did the officials, and we have clarified that under the current legislation, pranking would be covered; it is explicitly covered by this as well.

**Joe Robertson:** I invite the Minister just to look at and explore the wording. I am not convinced on the wording, but thank you.

**The Chair:** Order. That brings us to the end of the time allotted for the Committee to ask questions of this panel, so on behalf of the Committee, I thank our witnesses for their evidence. It also brings us to the end of today's sitting. When the Committee sits again, it will begin line-by-line consideration of the Bill.

*Ordered,* That further consideration be now adjourned.—(Keir Mather.)

5.55 pm

*Adjourned till Tuesday 1 April at twenty-five minutes past Nine o'clock.*

**Written evidence reported to the House**

CPB 01 Adam L. Davies

CPB 02 Jonathan Hall KC, Independent Reviewer of Terrorism Legislation and Independent Reviewer of State Threat Legislation

CPB 03 UK Feminista

CPB 04 Changing Lives

CPB 05 National Ugly Mugs

CPB 06 Propertymark

CPB 07 Dr Laura Bainbridge, Associate Professor in Criminal Justice, and Dr Amy Loughery, Research Fellow, School of Law, University of Leeds

CPB 08 Every Child Protected Against Trafficking

CPB 09 Regulatory Policy Committee

CPB 10 StopWatch

CPB 11 Big Brother Watch, Liberty, Privacy International and StopWatch (joint submission)

CPB 12 Dr Elizabeth Cook and Professor Sandra Walklate

CPB 13 ClientEye

CPB 14 FWD: Food & Drink Wholesale UK