PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CRIME AND POLICING BILL

First Sitting

Thursday 27 March 2025

(Morning)

CONTENTS

Programme motion agreed to.
Written evidence (Reporting to the House) motion agreed to.
Motion to sit in private agreed to.
Examination of witnesses.
Adjourned till this day at Two o'clock.

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,

not later than

Monday 31 March 2025

The Committee consisted of the following Members:

Chairs: Sir Roger Gale, Emma Lewell, † Dr Rosena Allin-Khan

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

Kevin Maddison, Claire Cozens, Adam Evans, *Committee Clerks*

† attended the Committee

Witnesses

Chief Constable Tim De Meyer, Lead for Disclosure, National Police Chiefs' Council

Dan Murphy KPM, BA(Hons), MSc. (Retired Chief Superintendent), Assistant National Secretary, Police Superintendents Association of England and Wales

Tiff Lynch, Deputy National Chair, Police Federation of England and Wales

Oliver Sells KC

Rt Hon Sir Robert Buckland KBE KC

Colin Mackie, Chair and Founder, Spike Aware UK

Public Bill Committee

Thursday 27 March 2025

(Morning)

[Dr Rosena Allin-Khan *in the Chair*]

Crime and Policing Bill

11.30 am

The Chair: We are now sitting in public and the proceedings are being broadcast. Before we begin, I remind Members to switch electronic devices to silent, please. Tea and coffee are not allowed during sittings.

Today, we will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication and a motion to allow us to deliberate in private about our questions before the oral evidence sessions. In view of the time available, I hope that we can take those matters formally, without debate.

I first call the Minister to move the programme motion standing in her name, which was discussed yesterday by the Programming Sub-Committee.

The Minister for Policing, Fire and Crime Prevention (Dame Diana Johnson): Good morning, Dr Allin-Khan. I am minded that we have a busy day ahead of us, so I will move the preliminary motions formally.

Ordered,

That—

1. the Committee shall (in addition to its first meeting at 11.30 am on Thursday 27 March) meet—

(a) at 2.00 pm on Thursday 27 March;

(b) at 9.25 am and 2.00 pm on Tuesday 1 April;

(c) at 11.30 am and 2.00 pm on Thursday 3 April;

(d) at 9.25 am and 2.00 pm on Tuesday 8 April;

(e) at 11.30 am and 2.00 pm on Thursday 24 April;

(f) at 9.25 am and 2.00 pm on Tuesday 29 April;

(g) at 11.30 am and 2.00 pm on Thursday 1 May;

(h) at 11.30 am and 2.00 pm on Thursday 8 May;

(i) at 9.25 am and 2.00 pm on Tuesday 13 May;

2. the Committee shall hear oral evidence on Thursday 27 March in accordance with the following Table:

Time	Witness
Until no later than 12.15 pm	National Police Chiefs' Council; Police Superintendents' Association; Police Federation of England and Wales
Until no later than 12.45 pm	Oliver Sells KC; Rt Hon Sir Robert Buckland KBE KC
Until no later than 1.00 pm	Spike Aware
Until no later than 2.40 pm	The Union of Shop, Distributive and Allied Workers; Co-operative Group Limited; British Retail Consortium
Until no later than 3.10 pm	The Victims' Commissioner for England and Wales; The Suzy Lamplugh Trust
Until no later than 3.40 pm	Internet Watch Foundation; Action for Children
Until no later than 4.10 pm	Local Government Association; Neil Garratt AM
Until no later than 4.50 pm	The Police and Crime Commissioner for Humberside; The Police and Crime Commissioner for Thames Valley; The Police, Fire and Crime Commissioner for Essex; The Association of Police and Crime Commissioners
Until no later than 5.05 pm	Dr Lawrence Newport
Until no later than 5.20 pm	The National Farmers' Union of England and Wales
Until no later than 5.35 pm	Stand with Hong Kong
Until no later than 5.55 pm	Home Office; Ministry of Justice

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 and 2; Schedule 1; Clauses 3 to 5; Schedule 2; Clause 6; Schedule 3; Clauses 7 to 30; Schedule 4; Clauses 31 and 32; Schedule 5; Clauses 33 to 38; Schedule 6; Clauses 39 to 45; Schedule 7; Clauses 46 to 56; Schedule 8; Clauses 57 to 68; Schedule 9; Clauses 69 to 82; Schedule 10; Clauses 83 to 90; Schedule 11; Clauses 91 and 92; Schedule 12; Clauses 93 to 96; Schedule 13; Clauses 97 to 102; Schedules 14 and 15; Clauses 103 to 124; Schedule 16; Clauses 125 to 130; new Clauses; new Schedules; Clauses 131 to 137; remaining proceedings on the Bill;

4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 13 May.—*(Dame Diana Johnson.)*

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—*(Dame Diana Johnson.)*

The Chair: Copies of written evidence that the Committee receives will be made available in the Committee Room.

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—*(Dame Diana Johnson.)*

11.31 am

The Committee deliberated in private.

11.33 am

On resuming—

The Chair: We are now sitting in public again and the proceedings are being broadcast. Before we start hearing from the witnesses, do any Members wish to make a declaration of interest in connection with the Bill?

Matt Bishop (Forest of Dean) (Lab): I declare my former occupation as a police officer. I am a member of NARPO, the National Association of Retired Police Officers.

The Chair: If any interests are particularly relevant to a Member's questioning or speech, they should declare them again at the appropriate time.

Examination of Witnesses

Chief Constable Tim De Meyer, Dan Murphy KPM and Tiff Lynch gave evidence.

The Chair: We will now hear oral evidence from the National Police Chiefs' Council, the Police Superintendents Association of England and Wales, and the Police

Federation of England and Wales. We must stick to the timings in the programme motion that the Committee has agreed. For this session, we have until 12.15 pm. Will witnesses introduce themselves briefly for the record?

Chief Constable De Meyer: I am Tim De Meyer, chief constable of Surrey and the National Police Chiefs' Council lead for disclosure.

Tiff Lynch: Good morning. I am Tiff Lynch, acting national chair of the Police Federation of England and Wales.

Dan Murphy: Morning. I am Dan Murphy, assistant national secretary of the Police Superintendents Association.

Q1 Matt Vickers (Stockton West) (Con): This is a huge, broad Bill that brings forward lots of measures and powers. Hopefully, it is welcomed by the great men and women you represent. Having looked at the Bill, is there anything that you find concerning? Is there anything that it is possible to improve? More broadly, are there any measures that you would like to see added to it?

Chief Constable De Meyer: The NPCC does not see any measures that have been omitted, save perhaps for the provision on begging, which was in an initial draft, but we understand there were concerns in respect of how that might be enforced. Overall, the NPCC is extremely supportive of the Bill. It seems to us that it brings a lot of laws up to date and frames the law in a way that is much more consistent with the way that a lot of crimes are now committed. It generally enables much earlier intervention and prevention on the back of the new or adapted offences that are created.

Q2 Matt Vickers: Could you comment briefly on begging, which we saw brought forward before? What would you like to see if we do include anything to that end?

Chief Constable De Meyer: The point in respect of begging is that, although we were generally supportive of the inclusion of nuisance begging in the provisions, it would require a certain amount of judgment in how to enforce that. That was the only point that NPCC colleagues noted was in the original provisions but is not here. Other than that, they are extremely supportive.

Tiff Lynch: In relation to the overarching Bill, we concur with Chief Constable De Meyer. We are supportive of new legislation that brings us up to societal issues. I do not want to sound like a broken record throughout all the questions, but our main concerns are the infrastructure that sits behind the legislation; the demand that is placed upon the officers we represent, who will be out there on the streets enacting this legislation; resourcing; and the learning, training and development of the officers who will be required to carry it out.

Dan Murphy: The Police Superintendents Association also supports the Bill and the provisions within it. With any legislation, there will obviously need to be clarity through the courts, training or the guidance that comes with the Bill. I have read with interest the debates for and against some of the clauses. On the power of entry, electronic devices and public order, some of the definitions are not defined within the legislation. There is a specific concern that I have read—it might not be a concern—about mandatory reporting in clauses 45 to 54 and whether the covert nature of policing would be dealt with through an exception or some kind of exemption with regard to that route.

Q3 Matt Vickers: Entry without a warrant is drawn more narrowly in this Bill than it was in the Criminal Justice Bill. Do you think it gives you the tools you need to do the job? Are there any concerns about that?

Dan Murphy: I think it gives you the tools to do the job, but whenever you enter private homes, you only have to look at the case law on warrants, where we have full powers, to see that they are challenged regularly. We need to make sure we are trained and get it right. As this is a new bit of legislation, I am sure there will be challenges either way as and when it is used.

Q4 Matt Vickers: Do you have any other comments on entry without a warrant being narrower in this Bill?

Dan Murphy: I think there is a role for the Government and Parliament to communicate that it is a power that has been given to policing. It is not something that policing is searching for and trying to use. The public need to understand that it has been given to us for a reason, and we are using it.

Tiff Lynch: I would go one step further in relation to the public having knowledge of the powers. That also gives our police officers confidence that the Government are behind them when they are enforcing these laws, and the knowledge that they are supported in what they are doing.

Chief Constable De Meyer: We know that the ability to track mobile devices is not sufficiently accurate at the moment for it to be relied upon without some form of corroboration. Therefore, one understands why things are more tightly framed. Where there is good intelligence for its use, this ability to enter swiftly to search for stolen goods without the need to get a warrant will mean that we are able to recover stolen property more swiftly, and that investigations are less likely to be frustrated. To ensure legitimacy in the eyes of the public, that obviously needs to be carried out carefully, but overall it will make it less likely that property, whether electronic property or property linked to rural crime, can be swiftly disposed of. Our current inability to deal expeditiously with those sorts of crimes can adversely impact public confidence. Overall, it is a very positive operational thing.

Q5 Dame Diana Johnson: Thank you very much for giving evidence today. I want to follow up on the questions about allowing police to go in without a warrant to recover digital devices with tracking devices. The Bill refers to "reasonable grounds to believe", which is the test that would have to be applied, and requires authorisation by an inspector. Does each of you believe that that is the appropriate test and authorisation level?

Chief Constable De Meyer: The requirement of belief is obviously a relatively high bar; for example, it is above suspicion. I think that that reflects the need to ensure that a new power such as this is applied carefully and with appropriate corroboration. Crucially, an inspector is going to be readily operationally available for an officer in this sort of dynamic circumstance, so the officer will be able to make contact with and get the authorisation from them. It seems to me that the thrust of the power is very much towards enabling the police to recover property quickly, so belief is a good safeguard and the inspector is appropriately senior and accessible. I would agree on those two points.

Dame Diana Johnson: Does any other panel member want to comment?

Dan Murphy: I think we need to make sure that we have the right training and guidance. Because of the power that we have, we should expect challenge. There will be challenge. My "reasonable grounds to believe" may be different from those of somebody else around the table. To form that belief, we would have gone through a process of using proportionate, necessary and justified means, and looking at the intelligence and evidence in front of us, but that is different for everyone. There is not a black and white answer to how that will be decided.

Dame Diana Johnson: But do you think that inspector-level authorisation is the appropriate level?

Dan Murphy: Yes.

Tiff Lynch: Good morning, Minister. I agree with both Chief Constable De Meyer and Dan Murphy in relation to the authorisation level. Again, I would say that we have to manage the expectations of victims of crime as to how speedy the recovery of technical equipment will be, given that we have identified locations and given that demand is already being placed on officers who are out there. It is also about managing expectations.

Q6 Dame Diana Johnson: Thank you. I want to talk about respect orders. The Bill will introduce respect orders for the most persistent adult offenders of antisocial behaviour. Can each of you say something about how these new measures will enable the police to tackle antisocial behaviour more effectively?

Chief Constable De Meyer: We think that the new powers—placing, as they will, requirements on those who have committed ASB, including positive requirements to carry out certain actions—will give us rather more flexibility in dealing with this type of behaviour. They are also preventive and, in some cases, restorative. We think the deterrent value will be greater, and making the breach of the order a criminal offence will allow us to quickly arrest where there has not been compliance. Overall, the NPCC thinks that this will enable earlier intervention. We know that antisocial behaviour has a very serious effect on community confidence and on people's ability to engage in educational, social and economic life, so anything that enables us to deal more swiftly with problems when they are in their infancy is to be welcomed.

Tiff Lynch: Without repeating, we agree. Perpetrators can be required to address the root cause of the problems, once they have been dealt with. Again, I come back to resource and demand. Certainly on the arrest element, perpetrators going into custody places a huge demand on the custody department and police officers. We need the infrastructure that is placed behind it. We are already seeing, certainly on custodial sentences, a backlog of cases in the criminal justice system, and then prison spaces overcrowding. We need to have the infrastructure behind this to make it effective and believable.

Q7 Dame Diana Johnson: The commitment to introducing 13,000 neighbourhood police officers to tackle some of this antisocial behaviour in communities, high streets and town centres links together quite well with that. Would you agree?

Tiff Lynch: Yes, it does, but I come back to the time required for the follow-on processes. Once you have dealt with a perpetrator, there are hours spent with paperwork and systems following that. That could wipe out our neighbourhood officers in one shift. Sadly, until we get that infrastructure and the systems that back up any law—certainly with these new laws—demand and all the other priorities could wipe out those additional officers in one shift.

Q8 Dame Diana Johnson: Mr Murphy, would you like to say something from the Police Superintendents Association?

Dan Murphy: It has come under the banner of antisocial behaviour, which it is. A lot of antisocial behaviour issues that police deal with are for those who are under the age of 18. This applies to those 18 and over. The power is good, but if the public think we will be able to use this for teenagers, there will be a mismatch. I think the power of arrest is good, but I note that there is a requirement to give a warning if there is a positive requirement in the respect order. The public might think that since the respect order has been issued, we can just go out and arrest the person, but we cannot. There are a few caveats, which are obviously to make the law fair and ensure people subject to it understand what is happening. I think the power of arrest will be extremely useful, but as Tiff said, someone has to make that arrest and then someone has to put a case file together to prove the breach, so there is work to be done and resource to be put into this. It does need to be resourced if it is going to be successful, but the main point is that it is for over-18s.

Q9 Dame Diana Johnson: Can I ask about the new offences for assaults on a retail worker and the £200 threshold being removed? How will both of those assist policing in dealing with the spike in shop thefts we have seen over the last few years?

Chief Constable De Meyer: When I appear at community events, I often find that the £200 point is a source of great confusion and misunderstanding. To resolve that ambiguity is extremely welcome, as it has wrongly been supposed that shoplifting under that threshold is legal, which plainly is not the case. To resolve that ambiguity is a good thing.

The specific offence of assaulting a retail worker acknowledges the vital role that retail workers play in community and local economic life, and the disproportionate likelihood of their being assaulted in the course of their work. By creating this offence, it enables us to identify much more precisely the extent of the problem and to deal with the crime in circumstances that the law much more closely reflects. It is certainly welcome from our perspective.

Tiff Lynch: I would like to focus on the assaults on retail workers offence. We support this. Nobody should go to their place of work with the expectation that they will be assaulted—absolutely nobody. Again, it comes down to resourcing, but it is worth mentioning that the same principle was applied for the assaults on emergency workers offence only a few years ago, which was championed by the Police Federation of England and Wales. Unfortunately, due to the backlog within the criminal justice system, we have now seen that that legislation is not being used effectively. Actually, with the assaults on

emergency workers legislation, they are now reverting to the assaults on police constables legislation. If we bring in this law, we need to see strong execution of it and support for retail workers in the same way as for emergency service workers.

Dame Diana Johnson: Mr Murphy, do you have a view on this?

Dan Murphy: No, nothing further.

Q10 Dame Diana Johnson: May I ask Tiff Lynch about the proposed changes to the Independent Office for Police Conduct's referral threshold? The view is that it will probably result in fewer referrals to the Crown Prosecution Service around misconduct. Why will that be beneficial?

Tiff Lynch: It is simply about time and the length of investigations. For far too long, the length of the investigations has been an issue for police conduct. We expect that officers who do not uphold the warrant they carry should be exited from the organisation swiftly. Those referrals will cut down the time it takes to deal with those investigations dealt with. Essentially, that will prevent any disillusionment from the public, the complainant or the victim, but also the officer concerned.

Dame Diana Johnson: So your view is that it will speed up proceedings.

Tiff Lynch: One would hope so.

Dame Diana Johnson: But you support the change in threshold.

Tiff Lynch: Yes.

Dame Diana Johnson: Would either of the other members of the panel like to say anything on that?

Dan Murphy: I agree with all that. The Police Superintendents Association supports that change.

Q11 Luke Taylor (Sutton and Cheam) (LD): Thank you for joining us today to assist us with scrutiny of the Bill. I want to look at the clauses about concealing identity. Clauses 86 to 88 make it an offence for someone to conceal their identity at certain protests. The challenge on that is that Hongkongers in my constituency of Sutton and Cheam, who are attending protests in central London against Chinese transnational repression, are concerned that their identities will be monitored by the Chinese Communist party and then used to conduct repression on family and friends in Hong Kong and China.

Obviously, protesting—being able to exercise our rights in a democracy to demonstrate our displeasure with something—is incredibly important. What is your understanding of the definition of a protest? In what situations would these measures be imposed on a protest? How would somebody at one of those protests—the Chinese protests are a good example—be treated by officers if a designation was put in place and they were concealing their identities?

Chief Constable De Meyer: It is extremely challenging to give a definitive answer, as the question implies.

On the point about the definition of protest, first, there is of course no single definition of protest. A broad range of activities could qualify as a protest—one person, a gathering, a vigil, a march, the playing of music, chanting or other sorts of activities. It is a very challenging area of law and operational policing.

On the point about concealing identity and the potential threat to safety in respect of transnational repression, I am afraid that, again, my response is going to be not quite as definitive as might be hoped for. We would have to apply the same judgment as we do in other areas of public order operational life, such as in relation to searching. That means if an offence is suspected, it is for the officer to engage with the individuals in question and to carry out a dynamic investigation of what is going on, seeking expert tactical advice where appropriate, or senior authority as well.

It is important to point out that the provision does not say that the power has to be used; it is what may be done, not what must be done. It does very much come down to circumstances and the engagement and judgment of the officer. The advice will be vital. One would expect sensitivities such as this to be addressed through the training of the various public order operatives—the gold commanders, the silver commanders, the bronze commanders and the public order officers themselves. Inevitably, there will be some learning through case law as well.

Tiff Lynch: I agree with the chief constable. I come back to what I said earlier about training and learning the law. Our police officers who are out there during protests work within the confines of the law. They utilise the national decision-making model. It is all about what they see in front of them on the day. We pride ourselves on people being able to protest lawfully, within the confines of the law. How the officers act on the day, depending on what they are presented with, will be determined on the day.

Dan Murphy: It is a long time since I ran a public order operation. To me, as a police officer and a commander—we have talked about neighbourhood policing—it is about talking to people. If you are presented with what you as a commander think is a protest that you can justify, if you have a protest that is not going to cause any particular problems, why would you go down this route, even as a preventive thing? If you have people present who are covering their faces and you think it might raise an issue, you could just send an officer to go and speak to them and say, "Would you mind identifying yourself, so that we know who you are?" You deal with it by talking to people.

Q12 Luke Taylor: Do you think the new powers in the Bill are necessary? Do they allow you to do the things that you wanted to be able to do at previous protests but were not able to?

Chief Constable De Meyer: It is an extremely good point in respect of the judgment that the officer would exercise. There have plainly been circumstances where people have concealed their identity as a means of escaping detection and frustrating the efforts of the authorities to identify those responsible for offences within protests, and their doing so meant that we were not able to prevent further criminal activity. So I think the powers are necessary, but they are to be exercised with caution and good judgment.

The Chair: Many Members have caught my eye. I will only be able to get everybody in if Members keep their questions very brief.

Q13 David Burton-Sampson (Southend West and Leigh) (Lab): Chief Constable De Meyer, looking at knife crime, there is a new offence of possession of a knife or offensive weapon

"with intent to use unlawful violence".

Can you explain how operationally that bridges the gap between the current legislation on simple possession and using a bladed article or offensive weapon to threaten or harm somebody? How is this going to help us to drive down knife crime?

Chief Constable De Meyer: This allows for greater sanctions against those who are evidenced as having caused harm or are known to be intending to cause harm. The important point here—it goes to the point I made at the beginning—is that the law will now more closely reflect the circumstances of the case, because regard can be had to the totality of the circumstances when the investigation is being carried out, when the case is being presented at court, and ultimately when the sentence is being passed if the person is convicted. Rather than relying only on the simple act of possession, the investigation and the court can have regard to the intent of the individual and the much greater seriousness of the circumstances that that implies.

It also means we will be much better able to deliver what we term "sustained public protection". Rather than simply bringing someone to justice for possessing a knife without being able to produce evidence as to what their intention might have been, we can now adduce that evidence and, one imagines, come up with a tougher sentence that has much more preventive power.

The Chair: If the witnesses are in broad agreement, it is fine if only one person answers, unless there is something else you want to raise.

Q14 Harriet Cross (Gordon and Buchan) (Con): Mr Murphy, can I pick up on the point about under-18s and respect orders? What sort of age would it be beneficial for the age limit to be reduced to, if that is what you were saying? Is there a particular age group where we see prolific antisocial behaviour starting to become more apparent? Also, is the definition of antisocial behaviour in the Bill wide enough? Clause 1(2)(9) states:

"'anti-social behaviour' means conduct that has caused, or is likely to cause, harassment, alarm or distress to any person."

My direct question would be: is it therefore being restricted to just a "person", or does it include instances of neighbourhood or property nuisance, where there is a large-scale impact but no single person can be identified as the recipient?

Dan Murphy: On your first point, it would obviously capture more incidents and issues if the threshold was set at a lower age, but do we want to be criminalising children with this type of offence? There is a balance, and it is a matter for Parliament and society as to whether they would like to lower that age. I can understand why it has been set at 18, but I wanted to make the point that, as it is set at 18, that power could not be used for young people.

On harassment, alarm and distress, that is a person-specific issue, compared with a community or area. In policing, if we could have something that captured that as well, we would welcome it—again, it is an extension of powers. You are putting me on the spot here, as I am thinking, "How would you prove that? Who would be your witness or injured party for a community?" I think what is provided at the moment is useful. Would it be good if it could be widened? Yes. Practically, could it be widened? I think we would probably need a whole other Committee and some lawyers to discuss that one.

Q15 Matt Bishop: May I take a moment to thank the panel, and your colleagues, for your service and continued efforts in making our communities safer? It is important to recognise that. My question is on the measures that we are implementing to provide more protection against retribution for authorised firearms officers who are facing criminal proceedings for offences committed during their duties. Do you think the measures will reassure firearms officers that the Government value the unique and dangerous work that they do? Will the measures give them more confidence moving forward than the CPS has given them recently?

Chief Constable De Meyer: It is important to point out how rare it is in this country for a firearms officer to discharge their weapon; reassuringly, it is rarer still that someone dies as a result. Obviously, it is right that there is a proper investigation wherever that happens, but I do not think it is in the interest of public safety for an officer doing such an important job to feel inhibited from doing what might be necessary, and what they are trained to do, in rare and extreme circumstances, because they are concerned that their name will be made public in a subsequent investigation, with all the risk to them personally that that entails. I cannot say for certain, and colleagues here would give a better indication as to the extent that such a measure might assuage their concerns, but it seems to me to be a necessary and sensible move.

Tiff Lynch: Without repeating what Chief Constable De Meyer has said, certainly we were pleased with the Home Secretary's announcement on the granting of anonymity to firearms officers in those situations, particularly with NX121 and the case that followed.

Our firearms officers are volunteers. That is key and it really needs to be noted. They put themselves and their lives at risk to protect society. In these cases, for their families and their own wellbeing, and because of what may follow, it is absolutely right for them to be granted anonymity for a required period of time. To answer your question specifically about reassuring our firearms officers out there today, there is some reassurance, but again, it is a matter of time passing until they actually feel that that will continue.

Dan Murphy: It is definitely a step in the right direction. Firearms officers, like all police officers, are interested in actions rather than words. They would like to see a difference, so once they start seeing that difference, it will make a difference to them. I know that there will be some announcements on the accountability review soon. I think Dame Diana is involved in that, and I know the Government are looking at it. We are really encouraged that there may be some more positive steps that will lead to actions that support officers who put themselves in those more difficult situations.

Q16 Matt Vickers: We know that a small number of people are responsible for a huge volume of the crimes we are discussing. Do you believe there are sufficient powers to deal with hyper-prolific offenders and to

imprison them? Do you think we should be doing anything in that space? I would also be interested in the views of the other two panel members on the 18, 16—whatever it might be—question.

Tiff Lynch: In relation to the powers, this is something that I find myself repeating not in this forum but in other interviews: you can bring in many laws and powers, but we need to have the infrastructure and the resources to use them. We have officers out there with casefiles that are getting longer and longer. There is only so much that can be highlighted as a priority, because if everything is a priority, nothing is a priority. Yes, we support the laws. It is for Government to make the laws and for us to carry them out. We will do so, but it is about managing expectations not just from policing but from society.

Q17 Matt Vickers: In terms of hyper-prolific offenders, obviously a lot of time is being taken by a small number of people. Is there anything we can do in that space to make the job easier?

Dan Murphy: If you have someone who is a prolific offender, and the police are constantly dealing with them and there are constant victims, the best place for that person is in prison. Getting them into prison is sometimes not easy, but I think that is the answer.

The Chair: Just a reminder that we need to keep things really short if we want to get everybody in. It may not be possible to do so.

Q18 Dr Lauren Sullivan (Gravesham) (Lab): Thank you for joining us. What are your views on the new youth diversion orders and the youth injunctions, and how they can support with ASB in our communities?

Chief Constable De Meyer: ASB or counter-terrorism?

Dr Sullivan: A bit of both. We have the youth injunctions, which could help with ASB in our communities, but how do the youth diversion orders intersect with that?

Chief Constable De Meyer: I agree that there is an intersection between the two. Counter-terrorism policing is certainly extremely supportive of youth diversion orders. Interestingly and worryingly, there has been a significant increase in the number of young people featuring in the casework of counter-terrorism policing. In 2019, just 4% of those arrested for counter-terrorism offences were aged under 18, but by 2023 that had become 19%. That poses serious challenges in respect of not just the threat but the caseload. Naturally, counter-terrorism policing wants wherever possible to avoid criminalising at a very young age people who might themselves have been exploited by extremists.

It is felt that these orders will divert a young person away from being labelled a terrorist, if I can put it that way, and engaging in further offending. They open up the possibility of some supportive and some prohibitive measures, so there is both a carrot and a stick. They enable colleagues to manage the risk at a much earlier stage than is currently the case.

On the matter of Prevent, which is of long standing, it has been essentially voluntary for young people. There has not been any need to compel their involvement in the necessary diversion. We see this measure as a means of introducing just about the right amount of compulsion to the Prevent set of activities, without making it entirely mandatory.

Q19 Joe Robertson (Isle of Wight East) (Con): I will take the panel back briefly to the powers around face coverings in protests. Given that protests are often political in nature, does anyone on the panel see challenges presented by having to exercise that power—challenges around perceptions or accusations of political bias? What are your reflections on the challenges that having to exercise that power will create?

Chief Constable De Meyer: It is important to emphasise, first of all, that we will not have to exercise the power. It is a power that is available to us that we may use, and not one that we must necessarily use. That having been said, one accepts entirely the potential for people on one side of a debate to suggest that the power ought to have been used and that it has not been used on another side. I can only say that it is for commanders in each individual circumstance to ensure that they abide by the principle of policing without fear or favour, impartially. It is difficult for me to say much more than that, because there are so many circumstances in which it might come to pass, but I do recognise the difficulty.

Tiff Lynch: It is down to interpretation. It is also relevant to communication and how the general public have an understanding of what police officers are out there doing. We are seeing actions of police officers at these protests being placed all over social media. It is a snippet of information, and as a result you get misinformation and disinformation, which then heightens society's frustration. I think there is a role to be played by everyone, certainly within Government, to communicate those powers and actions to the public so that everyone has that clear understanding. Then it is important, again, to have the support, certainly for the officers we represent, out there on the frontline, in doing what they are doing.

The Chair: I am afraid this will probably have to be the last question to this set of witnesses.

Q20 Keir Mather (Selby) (Lab): Chief constable, I have a question referring back to the issues you raised about rural crime. It is becoming a particularly pernicious issue for communities, especially when it comes to things such as off-road bikes, fly-tipping and the theft of farm vehicle equipment. Can you speak to how the provisions in the Bill will allow police forces to better tackle rural crime as a whole?

Chief Constable De Meyer: I agree entirely with the point in respect of rural crime. We need to acknowledge how important the rural economy and the custodians of our countryside are, and policing needs to do more to bring offenders to justice.

If I am not mistaken, one provision in the Bill relates to the point about the swift recovery of electronic devices. I think that that enables us to act more swiftly in respect of the proceeds of some rural crime offences as well. This is a category of crime where the proceeds are often disposed of very quickly to other parts of the country and, indeed, overseas. Very often, of course, those pieces of equipment or devices have a tracking capability, so anything that enables us more swiftly to

respond and recover that property gives us a much better chance of bringing those offenders to justice than has been the case in the past. It is also likely to have a considerable deterrent value for organised crime groups, and opportunistic criminals too.

Dan Murphy: There is provision for seizing vehicles without giving notice. Without going into detail, I think that that will definitely assist.

The Chair: We can probably squeeze in one more quick question.

Q21 David Taylor (Hemel Hempstead) (Lab): I want to associate myself with what my hon. Friend the Member for Forest of Dean said and to thank you all for your service. Tiff, I have a question for you. When we met in January—I was very grateful for that briefing—part of what we discussed was neighbourhood policing, which is a key theme of the Bill. Have you done any assessment of the Bill's effectiveness in helping neighbourhood policing?

Tiff Lynch: Neighbourhood policing is the bedrock of policing; that is something I have always believed, and we have discussed it privately. The police officers and police community support officers out there work with communities, and this Bill—I come back to what I said before—will go some way towards bringing us into line with how society is changing, so that we can actually use laws to keep the public safe. But, again, it comes down to the investment that is made in policing so that we are able to enact those laws, and when I talk about investment, that is about people, systems and infrastructure.

The Chair: That brings us to the end of the time allotted for the Committee to ask questions of this panel. On behalf of the Committee, I thank our witnesses for their evidence.

Examination of Witnesses

Oliver Sells KC and Rt Hon Sir Robert Buckland KBE KC gave evidence.

12.14 pm

The Chair: We will now hear oral evidence from the right hon. Sir Robert Buckland KBE KC and Oliver Sells KC. Again, we must stick to the timings in the programme motion that the Committee has agreed. For this evidence session, we will have until 12.45 pm. Those who want to ask questions should catch my eye. I will try to prioritise those I was not able to get in last time. Could the witnesses briefly introduce themselves for the record?

Sir Robert Buckland: I am Sir Robert Buckland, former Member of this place, and former Lord Chancellor and Justice Secretary, Solicitor General, Secretary of State for Wales and Minister of State for prisons.

Oliver Sells: I am Oliver Sells. I practised in the world of criminal justice for many years, and I have sat at the Old Bailey for many years.

Q22 Dame Diana Johnson: It is very nice to see you again, Sir Robert. I will start by asking what you welcome in the Bill.

Sir Robert Buckland: There is a lot to welcome in every crime Bill, particularly given the need to update the response of police and law enforcement to the growing risks posed by technology. We are now living in an age with the extrinsic challenge of technologies, right through from digital to artificial intelligence and machine learning. It is absolutely reasonable for the public to expect that the police and our other law enforcement agencies are up to speed, most notably on the seizure of mobile telephone devices and the analysis of evidence.

There is a growing crisis—we see it in our court backlogs—which is, sadly, largely caused by the failure of the system to deal at speed with the vast amount of data that needs to be analysed in order to build up a case or properly challenge it in accordance with tried and tested rules. I should have added that I am back at the Bar and that I was a part-time judge, and I obviously make any appropriate declarations.

There is a lot to welcome in the Bill. I am pleased to see the child criminal exploitation offence, although I might want to say more about that if we can have that conversation. As with all Bills with a wide scope of this nature, one is always left thinking what else we can do. I am sure that lots of challenges will be posed as the Bill goes through both Houses, and hopefully you will adopt some of the suggestions made by the many people who take a great interest in this legislation.

Q23 Dame Diana Johnson: Thank you. Can I pick you up on the child criminal exploitation offence set out in the Bill? You said that you might have liked to see more. Could you expand on that?

Sir Robert Buckland: I noted the way in which it is defined. I entirely understand that there needs to be clarity about the criminal activities of children but, on the position of children who are exploited—you will be familiar with this from our work when I was here—I do not think it will always be exploitation that results in their commission of a criminal offence. The forced labour, sexual exploitation and financial abuse of children will often not involve them committing a criminal offence at all.

I am not being glib here. I see this particular offence being characterised as a Fagin-type offence, rather than something wider that could actually serve to protect children, and allow the police and enforcing authorities to take that early action where they see children at risk. That is why I think some of the ideas from Every Child Protected Against Trafficking and others about expanding the definition, so that you are clearly defining what exploitation is, rather than just leaving it to the courts to decide, would be a real opportunity seized. I think you might miss it if you restrict clause 17 in those terms.

Q24 Dame Diana Johnson: Thank you; that is helpful. Could I ask you about the cuckooing offence as well? What is your view on that?

Sir Robert Buckland: I am very supportive of that proposal. I signed an amendment with the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith). I had a lot of evidence of cuckooing issues in my constituency, including the exploitation of vulnerable people—often adults with a learning disability—and vulnerable people being befriended by unscrupulous

criminals and having their premises used and abused for the supply of drugs and other criminal activities. I strongly support the measures on cuckooing.

Q25 Dame Diana Johnson: Mr Sells, could I ask you what you think about the measure in the Bill on SIM farms?

Oliver Sells: I think it is a very important measure. The range of novel criminal offences is exponential, in my experience. We are seeing a complete change in the criminal code and conduct in relation to SIMs and the use of people in those contexts.

I particularly want to refer to the backlog in the criminal courts. I feel very strongly for victims of serious crime. Most of the crimes that I try are serious sexual offences, where young female or male complainants are waiting to give evidence in their cases for two or three years, routinely. That is a completely unacceptable situation, and Parliament and this Committee should be focusing all their laser energy on reducing the backlog in the Crown court, because that is where this is.

They should be looking at productivity, because it is too low, if I am honest. I also think you should be looking at the number of courts sitting. I looked today; you can go online and look at the central criminal court and the percentage of the courts there that are sitting on a routine basis. In my judgment, now, it is too low, whatever the complex reasons may be.

One of the clauses I wanted particularly to speak about today was clause 16, on theft from shops. I recognise that there is a great public anxiety about this particular issue. Shoplifting has become endemic and almost non-criminal at the same time. It is a curious dichotomy, it seems to me, but I do not think for a moment—I am sorry to be critical—that making theft from a shop, irrespective of value, triable either way is the right answer. What that will do, inevitably, is push some of these cases up into the Crown court from the magistrates court.

I understand the reasons behind it and the concerns of the Union of Shop, Distributive and Allied Workers and the like. However, I think it is the wrong way. One of the things we must do now in this country is reinforce the use and the range of magistrates courts, and bring them back to deal with serious low-level crimes that are very frequent in their areas. They know how to deal with them. They need the powers to deal with them. I still do not think their range of powers is strong enough. You need to take cases such as these out of the Crown court, in my judgment. I think it is a serious mistake. I can see why people want to do it, because they want to signify that an offence is a very important in relation to shop workers. I recognise that; I have tried many cases of assaults on shop workers and the like, which come up to the Crown court on appeal, and we all know the difficulties they cause, but you will not solve the problem.

I also think you need to look more widely. This Bill does begin to look at where the line is to be drawn between the magistrates courts and the Crown court and at what offences should be triable in the magistrates court. I am going to range a little wider into the third tier, which has been suggested as a proposal. I am not convinced there is a need for a third tier myself. I think you need to enhance the first tier, magistrates courts, which is, in effect, small local juries. The composition of magistrates courts has changed completely in the last five or 10 years. You are now getting people who are local, experienced, young—a range of people. They are perfectly able to try these cases, in my judgment. You should take it out of the Crown court and leave the Crown court for really serious offences. That is my view.

Dame Diana Johnson: Thank you. You have given us lots of food for thought.

Q26 Matt Vickers: Is there anything in the Bill that gives you cause for concern? We would obviously be interested in Robert's views on that £200 threshold as well. Are there any measures that you would like to have seen in the Bill that you have not seen in it?

Sir Robert Buckland: There are a couple of things, Mr Vickers. First of all, just to build on Mr Sells's point on clause 16, I understand the huge concern about shoplifting and the perception among many shop proprietors in our towns and cities that, in some ways, it was almost becoming decriminalised and that action has to be taken. But the danger in changing primary legislation in this way is that we send mixed messages, and that the Government are sending mixed messages about what its policy intentions are.

Sir Brian Leveson is conducting an independent review into criminal procedure. We do not know yet what the first part of that review will produce, but I would be very surprised if there was not at least some nod to the need to keep cases out of the Crown court, bearing in mind the very dramatic and increasing backlog that we have. I think that anything that ran contrary to that view risks the Government looking as if it is really a house divided against itself.

It seems to me that there was a simpler way of doing this. When the law was changed back in 2014, there was an accompanying policy guideline document that allowed for the police to conduct their own prosecutions for shoplifting items with a value of under £200, if the offender had not done it before, if there were not other offences linked with it, if there was not a combined amount that took it over £200 and if there was a guilty plea.

What seems to have happened in the ensuing years is that that has built and developed, frankly, into a culture that has moved away from the use of prosecuting as a tool in its entirety. I think that that is wrong, but I do think that it is within the gift of Ministers in the Home Office and of officials in the Home Office and the Ministry of Justice to say, "That guidance is superseded. We hope, want and expect all offences to be prosecuted." That would then allow offences of under £200 to be prosecuted in the magistrates court. There is nothing in the current legislation that prevents any of that, by the way, and I think it would send a very clear message to the police that they are expected to do far more when it comes to the protection of retail premises.

On clause 14, which covers assault on retail workers, I was a little surprised to see that there had been a departure from what was a rather interesting amendment tabled in the previous Session to the 2023-24 Criminal Justice Bill by, I think, the hon. Member for Nottingham North and Kimberley (Alex Norris); in fact, I think it was supported by you and others. It sought to amend the law to increase protections for shop workers, but with an important expansion: the offence would be not just an assault, but a threatening or abuse offence as

well, which would encompass some of the public order concerns that many of us have about shop premises, corner shops and sole proprietor retail outlets. Yet, we have gone back here to a straight assault clause, which in my mind does not seem to add anything to the criminal code at all.

We have existing laws of assault, which was often the argument of Ministers, including me, when we debated these issues in the past. Again, it seems to me that the opportunity to widen the offence to cover different types of abuse against important retail workers is being missed at the moment. If I was advising the Government, which of course I am not, I would ask them to look again at the clause and to consider expanding it to make it much more meaningful for the people I think all of us want to protect.

Q27 Matt Vickers: Amendments were tabled to the Criminal Justice Bill that would have seen it mandate a ban, a tag or a curfew for anybody responsible for three incidents of shoplifting or assault on a retail worker. What are your thoughts on that, as something that has been taken out of this Bill?

Sir Robert Buckland: Again, it is a missed opportunity. I think that, accompanying that type of behaviour, is a natural community concern about the prevalence of people who are—well, they are worse than nuisances—real menaces to the wellbeing of the local community. An attack on a shop, in my view, is an attack on the wellbeing of the whole local community. Given how important the local shop is as a lifeline for many people, including older and vulnerable customers, any attack on it that means that its services are lost, even temporarily, is a very serious attack on the community. Therefore, using this opportunity to increase the suite of preventive measures available would seem a very sensible thing to do, and I hope the Government will consider accepting any amendments that will no doubt be tabled with that aim in mind.

Q28 Matt Vickers: Could we do anything else to tackle the problem of hyper-prolific offenders—this small group of people who are responsible for a huge volume of offences?

Sir Robert Buckland: That is a very difficult issue that I looked at carefully when I was in the Government. One of the challenges, of course, is that the offences might be prolific but the sentences they carry often do not even cross the custody threshold.

There are two ways of looking at this. First, the community-based intensive intervention solution seems to be working, particularly in the case of young offenders, and we should look at expanding it to apply to adult offenders as well. There would, of course, be a huge concomitant cost, particularly for the probation service and all the agencies tasked with the intensive supervision of, perhaps, a drug or alcohol addiction. That is the sort of work that will take them off the streets and get them cleaned up, without sending them to a meaningless short-term sentence.

At the other end, there are people committing hundreds of offences, for whom the law cannot as yet provide a cumulative answer. It is difficult for me to suggest on the hoof how we would encompass a sentencing option that allows a roll-up, so that there was a longer term of imprisonment for someone prolific. The danger is that there is always a cliff edge: if someone has committed 24 rather than 25 offences, why should there be such a differential? The long-term answer lies in prevention. I strongly endorse the intensive community-based approach, which is not currently available to the courts.

Q29 Matt Vickers: I realise I have been on my retail hobby horse. More broadly, do you have any other concerns about the Bill? Are there any measures you would like to see featured that are not featured?

Oliver Sells: Could I touch on a subject that troubles me? It is implicit in the Bill, and it is not necessarily a popular view. The trend towards sentencing inflation has created a growing prison population of particularly young serial offenders who are serving longer and longer sentences. That is causing difficulties with the cost of the prison population and with what to do with people we cannot send to prison. The courts struggle the whole time not to send people to prison unless it is absolutely necessary. The idea that we could, for instance, abolish short sentences—there is a proposal for their removal—seems to me to be very double-edged indeed. We need to be very careful.

The courts, including the magistrates court, must have the powers to move swiftly. This is one of the problems in our system, particularly in respect of the kind of crime we are talking about. When I started out at the Bar, cases were dealt with overnight, and the next day were done and dusted in the magistrates court. It was effective and speedy. Speedy justice is much more effective than slow justice. We have created a situation and a structure, over many years now, where there is almost an acceptance of delay in the system, and I do not accept that at all. If you go to a magistrates court, you will see so many cases adjourned because it is not ready. They are piffling reasons, on the whole—complete nonsense, in my view. When a case is prepared overnight, it should be in the court within a matter of days and dealt with straight away. I do not think we have really understood that in the Bill. It is not quite there yet, in my view.

Sir Robert Buckland: With its wide scope, the Bill is an opportunity for the Government to act on, for example, the recommendations of Jonathan Fisher KC on the overdue reform of disclosure. The disclosure rules were created back in 1996 and are no longer fit for proper purpose. Anything the Bill can do to help to future-proof the use of assistive technologies would be a great opportunity for Ministers and officials. I am convinced that the use of assistive technology—I use the word "assistive" because it is technology not to replace the judge or the jury but to assist them in their deliberations, as well as assisting disclosure officers and the police in their investigations—is absolutely right.

The Chair: Thank you, Sir Robert. We have already used two thirds of the time allotted for our eminent witnesses. As time is fleeting, I request that people keep their contributions as short as possible so that we can cover the greatest amount of content and allow Committee members to ask a question.

Q30 Anna Sabine (Frome and East Somerset) (LD): I want to pick up on something Mr Sells said about Crown court backlogs. I have a constituent who is still waiting, two years after a serious sexual assault, and says that that timelapse has actually been more traumatic

than the assault itself. You said you were concerned that low-value shoplifting might add to Crown court backlogs; are there other things in the Bill that may do that or, indeed, things you would like to see in it that would help to reduce court backlogs more generally?

Oliver Sells: Oh dear. I do not think time permits me to answer that question in the way that I would like. Goodness gracious!

Anna Sabine: Give it your best shot.

Oliver Sells: I will give you the short answer. Yes, there are a whole load of things, but I do not have time to spell them out for you now. I do not think people understand that the courts want to strive to get cases through but are struggling to do so. There is an enormous amount of good will, both in the magistrates court and the Crown court.

Let me give you one example: prison transport. Why are we so reliant on defendants being brought long distances from prison every day to Crown courts? I see no justification for that in many cases. I have recently tried cases in which the defendant was sitting in Reading prison and the complainant was giving evidence on her phone in a Tesco car park. There is nothing wrong with that at all in my view; it is perfectly satisfactory and prevents all the difficulties and delay of people coming to court.

If I had my way, I would change very radically the procedural rules in the Crown court and the magistrates court. We are too slow and too timid, and I think there is a form of institutionalised idleness in some parts of the sector.

Q31 Matt Bishop: Sir Robert, during your tenure as Justice Secretary you acknowledged that the number of people prosecuted and convicted for rapes had fallen to the lowest level since records began—including having more than halved in the space of three years—while the number of reported rapes was still increasing. What specific measures did the previous Government implement to address the shortcomings? Do you believe that those efforts were sufficient to meet the victims' needs? How can the important work on the new measures that this Government have been pursuing be taken further?

Sir Robert Buckland: Thank you for asking that question, because how to deal with what were unacceptable figures was a real judgment call on my part. I thought it was far better, as the responsible Secretary of State, to fess up and apologise, frankly, for the way in which things had happened.

It was through nobody's deliberate fault, but you may remember the case of a young man called Liam Allan, who was accused of rape and was about to face trial when the disclosure of very important text messages totally undermined the prosecution case, and rightly it was dropped. That, and other cases of that nature, had a bit of a chilling effect—to use a well-worn phrase in these precincts—on prosecutors' appetite for risk when it came to rape. We then entered a sort of cul-de-sac, whereby, because of concerns about disclosure and the threshold, we saw fewer and fewer cases being brought.

The situation was compounded by the fact that many complainants and victims, when faced with the rather Manichean choice between giving over your phone for months or carrying on with your phone—which is, let us face it, the basis of your life—were saying, "No, thank you. I don't want any more of this. Frankly, I don't want to be put through the mill again, bearing in mind the trauma I've already suffered," so the attrition rates were really high.

I therefore thought it was very important that we, the police and the CPS really looked again at the way in which the cases were investigated. That is why I thought it was important that we had things such as the 24-hour guarantee on the return of phones, and Operation Soteria, which was the roll-out operation, refocusing the way in which the police and the CPS worked together on cases to yield results. I am glad to say that we have seen a progressive increase in the number of cases brought. I do not think we are there yet, and we still have to give it a bit of time and a lot more will to get to a position where we can look back.

Let us go back to the Stern review, which was done over 10 years ago. Baroness Stern produced an impressive piece of work that acknowledged the fact that there are many victims and complainants who do not want to through prosecution, and want other means by which they can come to terms with, and get to support for, their trauma. Until we get the prosecution element right and we see the right balance, I do not think we can offer a wide range of different options so that victims feel that they are respected and listened to, that action is taken early, and that they are not having to relive the trauma all over again in a way that, frankly, causes the attrition rates.

From what I see in the Bill, there are certain measures and initiatives that will help in that process, but it does require—and I emphasise this—a huge amount of political will, and the attention of this place, to make sure that the authorities are doing what you want, on behalf of your constituents, them to do.

Q32 Harriet Cross: I have a quick question about how the definitions in the Bill might have an impact on the pressure relating to the number of cases that come to court. Largely, it is about the cases that need a level of subjectiveness—for example, where there is just judgment, or there are reasonable grounds for belief. If the definitions were tightened up, would, or could, that feed through to making sure that the right cases come to magistrates and other courts? Would that help the backlog, or would it put too much pressure back on the police on the ground, who are at the frontline?

Oliver Sells: I am not sure I am able to answer that question. I have not considered the matter in great detail, and when I have not considered something I tend not to answer the question. You must forgive me if I pass that one on to a politician who no doubt has no such inhibitions.

Sir Robert Buckland: No, I have never had any inhibitions, as I think you all well know!

We have to go back to the fundamentals. We should not be bringing prosecution cases unless there is a reasonable prospect of conviction and it is in the public interest. That is the very simple test for prosecutors. You need the evidence, and that is the task that can often be very difficult for the investigating authorities. I will labour the point, because it is really important. We are faced with extrinsic challenges, in which digital and assistive technologies are being used on a scale and

at a pace that are at once awe-inspiring and terrifying. Unless we can enable our police and investigative agencies to have the same level of firepower, we are never going to win, and we are going to have increasing difficulty in piecing together cases that can then be prosecuted. I think particularly about fraud and the use of blockchain and virtual technology. I want to make sure that in all the work that is being done to try to improve our response to fraud—whether by the Serious Fraud Office, the CPS or the City of London police—we are really on it when it comes to technology.

As Ministers will know, the Criminal Justice Board is the ideal forum for this work to be prioritised in. Ministers can make it the board's priority and give tasks to all the arms of the criminal justice system to get it right. We did it with rape and we have done it with other types of criminality. I think this is the moment—if it is not being seized already—at which the Lord Chancellor and the Home Secretary can really step up and make sure that our response to cyber-crime is not just as good as but ahead of the trends that we now see, not just here but internationally. The extrinsic threats are a wake-up call.

The Chair: If he can keep it to a quick minute, I call Keir Mather.

Q33 Keir Mather: Sir Robert, you have vast experience in understanding that large crime and policing Bills such as this one need intense co-operation between the criminal justice system, frontline officers, the prison service and the courts. From your experience in Government, do you have any lessons about how we can better improve that co-operation?

Sir Robert Buckland: Well, we do not have all day, Mr Mather, but there is a lot I can say. The Bill is a relative minnow compared with the Police, Crime, Sentencing and Courts Act 2022, which was the combined Bill that I worked on with the then Home Secretary.

The important thing is to make sure that legislative and political intent do not run too far ahead of operational reality. I will give the example of when we changed the law on stalking. This is going back a bit now, when I was still a Back Bencher. Dame Diana was certainly involved; it was a cross-party achievement. We did it in record time and got the law changed within months—it was an incredible achievement—but the police were not operationally ready. I still see evidence even now, 10 years on, of a lack of training about and awareness of the tell-tale signs of stalking.

The message I give to you all—particularly the parliamentarians who are cutting their teeth on this Bill—is to make sure that you read the impact assessments, that Ministers can answer your questions about operational reality, and that the police chiefs, the CPS and all the agencies that have the job of doing this are ready and resourced to make the legislative intent a reality. Otherwise, your constituents are going to be coming back to you in a few years, saying, "Why haven't there been any prosecutions under this new offence?"

The Chair: Order. That brings us to the end of the time allotted for the Committee to ask questions. On behalf of the Committee, I thank our witnesses for their evidence.

Examination of Witness

Colin Mackie gave evidence.

12.45 pm

The Chair: We will now hear oral evidence from Spike Aware UK. Once again, we must stick to the timings in the programme motion. The Committee has agreed that, for this session, we will have until 1 o'clock. Could you please introduce yourself for the record?

Colin Mackie: Good afternoon. I am Colin Mackie. I am the chair and co-founding member of Spike Aware UK.

Q34 Matt Vickers: As you will have seen, we get lots of people in here who are very familiar with this place, and then every now and again we get people who are brave, committed and dedicated to making a change and making the world a better place. Thank you for coming and for all your campaigning on this issue. All power to your elbow.

How important are the measures in the Bill, and why? Is there anything that you think the Government should be doing beyond what is in the Bill?

Colin Mackie: I think this is majorly important. It is a giant step forward. Up until now, spiking has been a very grey area. It is charged as assault, theft, poisoning or whatever; it has been such a grey area that it has been hard to process it. That has the knock-on effect of putting victims off coming forward, because they do not know where they are going to go or what is going to be talked about, and they are unsure. Perpetrators of spiking feel, "Well, nothing's really happening over this. I don't hear of anybody getting charged for it, and it's only a bit of fun; we don't think we're going to do any harm," so they carry on doing it.

Having a stand-alone offence is beneficial for the victims, and I also think it is beneficial for the police. I feel that once a law is in place, you are going to get a co-ordinated response from police. Currently, victims in Newcastle are treated differently from victims in Newquay, and it is the same across the whole country. That is one of the major problems that victims tell us about all the time: some forces are great, while others are not so good. I have had one victim tell me that the police said they did not have the manpower or the time to go in and check the CCTV at the club where they were spiked. Another victim told me that uniformed officers turned up and were not sure how to deal with it, but half an hour later, the CID were there and straight into the club. We cannot have that inconsistency; we need to move forward with that.

You were asking earlier, "What can we do to help?" In bringing in the Bill, we have to involve A&E, because A&E has a big part to play in this as well. All too often, as you know, it is the job of the police to gather the evidence, but a spiking victim is likely to appear at a hospital—at A&E—unconscious or confused and not sure what is going on. They are not going to think about asking for a police officer to attend—they are not in a state to do that—so unless they have a family member or a friend there, that is not going to happen. By the time they get maybe two days down the line and think, "Yeah, this is what's happened to me; I want to report this," there is a good chance that a lot of the evidence has gone. We need that in the Bill as well: for A&E to

play a bigger part by gathering evidence and holding it for the police. Then, if the victim wants to take it forward, it is there.

Q35 The Parliamentary Under-Secretary of State for Justice (Alex Davies-Jones): Thank you, Colin, for coming in today and, to echo the words of the shadow Minister, for all of the work that you do on this; it is really appreciated.

You mentioned that you welcome the clarification in the Bill, which will create a specific offence of spiking by using the word "spiking". Can you expand on why that will make such a difference for victims? You mentioned some of the issues with the police using different types of offences. Why will it make such a difference to have a specific offence?

Colin Mackie: A victim will recognise that spiking is an offence when they approach the police. Currently they are not sure if they can report it. They are nervous and they are not sure if it is an offence. That has been a big thing that we get fed to us. Away from just the girls, there is a lot of spiking going on with boys now. Males are being spiked as well. It is possible that anybody could be spiked. That is a big thing, because we find that a lot of males think it is a girls' problem. They think it is tied in with a sexual assault or whatever. If you just say "spiking" males will think, "Yeah, I have been spiked," and that is it—it is the fact that they have been spiked.

A lot of spiking is now taking place and nothing else is happening. People are not being sexually assaulted or robbed; they are just being spiked. It is what we call prank spiking. People are doing it because they can. I think the ability for someone to come forward and just say, "Yes, I have been spiked and there is a law on spiking," is the way forward.

Q36 Alex Davies-Jones: Thank you for that. One of the other things that you touched on—it was referenced by the previous witnesses—is the importance of not just making legislative change, but having a package of support available with the other agencies around it. What can you recommend beyond legislative changes—you mentioned A&E, but I am also thinking about training, guidance and so on—to really make sure that this is a package for spiking offences?

Colin Mackie: We certainly want to get the night-time industry more involved and get stewards more aware, because all too often one of the first things said to someone who has been spiked or their friends is, "They're drunk. I want them out the club. They've had too much to drink." When we talk to nightclubs, bars and so on, we say to the stewards, "Listen to what their friends are saying. Don't make the assumption that that person's drunk just because they look drunk. If their friends are saying, 'We've had one or two drinks,' take on board what they're saying. Don't just think, 'Oh, no, I've got to get this person out of here.'" They have a duty of care to look after people, and we want them to take on that responsibility.

Just at the weekend, I was reading an article on the BBC and it was talking about nightclubs in general and how footfall is falling. One of the examples was that youngsters are stopping going to nightclubs because of the fear of spiking. The industry has to look at the bigger picture and realise that if it puts in lids and deterrents, better security and better CCTV, and, as we hope with this Bill, if we start to see people being prosecuted, the numbers will come back up. People will have the confidence to come out. If they think they are going to a venue where they feel they are going to be safe, they are more likely to come, whereas currently they are walking away and finding something else to do. It is going to affect the night-time industry as well, so it really has to take it more seriously.

Q37 Luke Taylor: Thank you again for coming along and for your campaigning. You must be proud that you have got this leap—this legislation—to try to combat some of the trauma that you experienced.

I have a broader question. Do the measures included in the Bill cover all the issues that you see around the offence? Do you think the Bill is a comprehensive measure to enable action to be taken to combat the horrible offence of spiking?

Colin Mackie: It is moving forward to that level where I think it is good. I would like to see a wee bit more on the sentencing side of it. Just listening to the previous witnesses, I know that there is a backlog through the courts and everything, and I can see that being a problem. If the people who want to report spiking, especially young women, think it is going to last two years, how much of a deterrent is it going to be for them to come forward if they think it is going to drag on? That is one bit: when it comes to the sentencing and how quickly it will be processed, will that put people off reporting it?

Q38 David Burton-Sampson: I echo my colleagues in thanking you for all you do in this vital area. You rightly said that spiking affects everybody; unfortunately, it is something that men and women can be prone to. The Government have a target of halving the level of violence against women and girls, and this measure is hopefully part of that package. How important do you think it will be in halving violence against women and girls?

Colin Mackie: It is certainly very important, because girls are still are the highest target in the group. People want to go out and enjoy themselves, and women should be able to have a night out with friends and be confident that they are safe. If they want to leave that drink for second, they should be able to. They should not have to worry that someone will add something to their drink if they go to dance, go to the toilet or are distracted. This measure is a great way of moving forward, because in the future you want all youngsters to be able to say, "I'm going for a night out, and I want to have a nice, safe night out." That is the way forward—it has to be the way forward.

Q39 Joe Robertson: Looking at the purpose of why someone might spike, the Bill includes the words "injure", "aggrieve" and "annoy". From your experience, might somebody seek to spike for any other purpose that is not captured by, say, "annoy", which is probably the broadest term?

Colin Mackie: Revenge, possibly. A girl could spike another girl because she is jealous, for example, about

something that has already happened. An ex-boyfriend, in particular—or an ex-girlfriend, in some cases—could spike someone. To me, revenge is another possibility.

Q40 Joe Robertson: Could there be something that might appear to have a more frivolous excuse—you talked about pranking—but that still needs to be captured by the Bill and may not be captured by the word "annoy"?

Colin Mackie: Pranking is probably the one. That is what people will do—it is totally random, and there is no reason for a lot of what they do. They pick a victim out. I have spoken to police officers, and one of the things they say is that prank spiking is growing a bit because drugs have become so easily accessible and cheap. I spoke to a group from Australia who said spiking had dropped slightly because the police had done a blitz on drugs, so the price of drugs had gone up; when the price of drugs went up, spiking came down. There is always a chance that it happens just because people can easily access these drugs and they will use them.

The Chair: I am afraid that this will probably have to be the final question to this witness.

Q41 Dr Sullivan: It was interesting to hear about experiences with A&E. Some of the drugs disappear from the bloodstream very quickly, so we are looking at timely diagnostic tests and a safeguarding duty to run those tests at A&E, perhaps immediately when people arrive. What are your thoughts on that?

Colin Mackie: That is what I would like to see happen once a person appears there. I have spoken to some medics about this. Again, it goes back to listening to what friends say: if they say that their friend has had only one or two drinks, but they are unconscious, hallucinating and obviously under the influence of something, you have to gather that early doors. If you do not do it, you are going to lose that evidence, which is so vital.

Again, it is about giving people the confidence that, if they get taken to A&E, they are going to be taken seriously. They are not going to be two days down the line saying, "I just wish someone had taken the sample then." Some may suspect that they know who did it, but it may be two or three days down the line before they say, "I think it was that person, and it happened at that bar around that time," and that evidence has gone. You really want to gather it there. When someone appears in A&E having suffered sexual assault, you gather the evidence quite quickly. I would like to see the same happening with spiking.

The Chair: That brings us to the end of the time allotted for the Committee to ask questions. On behalf of the Committee, I thank our witness for his evidence, which has been very helpful.

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

1 pm

Adjourned till this day at Two o'clock.