

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### POLICE, CRIME, SENTENCING AND COURTS BILL

*First Sitting*

*Tuesday 18 May 2021*

*(Morning)*

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#### 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.

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**not later than**

**Saturday 22 May 2021**

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**The Committee consisted of the following Members:***Chairs:* SIR CHARLES WALKER, †STEVE McCABE

† Anderson, Lee ( <i>Ashfield</i> ) (Con)	† Higginbotham, Antony ( <i>Burnley</i> ) (Con)
† Atkins, Victoria ( <i>Parliamentary Under-Secretary of State for the Home Department</i> )	† Jones, Sarah ( <i>Croydon Central</i> ) (Lab)
† Baillie, Siobhan ( <i>Stroud</i> ) (Con)	† Levy, Ian ( <i>Blyth Valley</i> ) (Con)
† Champion, Sarah ( <i>Rotherham</i> ) (Lab)	† Philp, Chris ( <i>Parliamentary Under-Secretary of State for the Home Department</i> )
† Charalambous, Bambos ( <i>Enfield, Southgate</i> ) (Lab)	† Pursglove, Tom ( <i>Corby</i> ) (Con)
† Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)	† Wheeler, Mrs Heather ( <i>South Derbyshire</i> ) (Con)
† Cunningham, Alex ( <i>Stockton North</i> ) (Lab)	† Williams, Hywel ( <i>Arfon</i> ) (PC)
† Dorans, Allan ( <i>Ayr, Carrick and Cumnock</i> ) (SNP)	
† Eagle, Maria ( <i>Garston and Halewood</i> ) (Lab)	Huw Yardley, Sarah Thatcher, <i>Committee Clerks</i>
† Goodwill, Mr Robert ( <i>Scarborough and Whitby</i> ) (Con)	† <b>attended the Committee</b>

**Witnesses**

Assistant Commissioner Martin Hewitt QPM, Chair, National Police Chiefs' Council

Chief Constable BJ Harrington, Public Order and Public Safety Portfolio lead, National Police Chiefs' Council

Chief Superintendent Paul Griffiths, President, Police Superintendents' Association

John Apter, Chair, Police Federation of England and Wales

# Public Bill Committee

*Tuesday 18 May 2021*

*(Morning)*

[STEVE McCABE *in the Chair*]

## Police, Crime, Sentencing and Courts Bill

9.25 am

**The Chair:** Before we begin, I have a few preliminary announcements. First, let me ask you to switch any electronic devices off or to silent mode. I remind you that Mr Speaker does not allow tea or coffee to be consumed during sittings of this Committee. This is really difficult, but you have to try to observe the social distancing arrangements and sit only in the places that are marked. I ask you to wear a face mask when you are not speaking, unless you are medically exempt. Space is a bit tight in this room, so people just have to observe social distancing and try to make it as easy for people as possible as they are moving around.

Today we will consider, first, the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication and then a motion to allow us to deliberate in private about our questions, before the oral evidence session. In view of the time available, I hope that we can take all those matters without debate. Before we hear evidence from our first panel, we will have a short briefing from the Parliamentary Digital Service on cybersecurity, which is of particular concern to members of this Committee because we are dealing with matters relating to the police and criminal law. The programme motion was discussed on Monday by the Programming Sub-Committee for this Bill.

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** I beg to move,

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 18 May) meet—

- (a) at 2.00 pm on Tuesday 18 May;
- (b) at 11.30 am and 2.00 pm on Thursday 20 May;
- (c) at 9.25 am and 2.00 pm on Tuesday 25 May;
- (d) at 11.30 am and 2.00 pm on Thursday 27 May;
- (e) at 9.25 am and 2.00 pm on Tuesday 8 June;
- (f) at 11.30 am and 2.00 pm on Thursday 10 June;
- (g) at 9.25 am and 2.00 pm on Tuesday 15 June;
- (h) at 11.30 am and 2.00 pm on Thursday 17 June;
- (i) at 9.25 am and 2.00 pm on Tuesday 22 June;
- (j) at 11.30 am and 2.00 pm on Thursday 24 June;

(2) the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 18 May	Until no later than 10.30 am	The National Police Chiefs' Council

Date	Time	Witness
Tuesday 18 May	Until no later than 11.25 am	The Police Superintendents' Association; The Police Federation of England and Wales
Tuesday 18 May	Until no later than 2.45 pm	The Centre for Justice Innovation; The Centre for Social Justice
Tuesday 18 May	Until no later than 3.30 pm	Jonathan Hall QC, the Independent Reviewer of Terrorism Legislation; HM Inspectorate of Constabulary and Fire & Rescue Services
Tuesday 18 May	Until no later than 4.15 pm	Local Government Association; The Association of Police and Crime Commissioners
Tuesday 18 May	Until no later than 4.45 pm	Doughty Street Chambers; Garden Court Chambers
Tuesday 18 May	Until no later than 5.15 pm	Youth Justice Board
Tuesday 18 May	Until no later than 5.45 pm	The Bar Council
Thursday 20 May	Until no later than 12.15 pm	National Association for the Care and Resettlement of Offenders; Unlock
Thursday 20 May	Until no later than 1 pm	The Victims' Commissioner
Thursday 20 May	Until no later than 2.45 pm	The Children's Society; Community Justice Scotland
Thursday 20 May	Until no later than 3.30 pm	The Association of Youth Offending Team Managers
Thursday 20 May	Until no later than 4.15 pm	The Law Society
Thursday 20 May	Until no later than 5 pm	Howard League for Penal Reform; Criminal Justice Alliance; Women in Prison; Sentencing Academy
Thursday 20 May	Until no later than 5.45 pm	Professor Colin Clark, University of the West of Scotland; Amnesty International UK; Liberty

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 10, Schedule 1, Clause 11, Schedule 2, Clauses 12 to 42, Schedule 3, Clause 43, Schedule 4, Clauses 44 to 47, Schedule 5, Clauses 48 to 51, Schedule 6, Clauses 52 to 66, Schedule 7, Clauses 67 to 73, Schedule 8, Clause 74, Schedule 9, Clauses 75 to 97, Schedule 10, Clauses 98 to 100, Schedule 11, Clauses 101 to 127, Schedule 12, Clause 128, Schedule 13, Clause 129, Schedule 14, Clauses 130 to 134, Schedule 15, Clause 135, Schedule 16, Clauses 136 to 156, Schedule 17, Clauses 157 to 161, Schedule 18, Clauses 162 to 168, Schedule 19, Clauses 169 to 171, Schedule 20, Clauses 172 to 176, new Clauses, new Schedules, 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 Thursday 24 June.

The Under-Secretary of State for the Home Department, my hon. Friend the Member for Croydon South (Chris Philp), and I are both delighted to serve under your chairmanship, Mr McCabe. I welcome to the Committee

my hon. Friends, on the Government Benches, and hon. Members across the room. I am sure that we can expect some lively debates in the days and weeks of scrutiny ahead.

*Question put and agreed to.*

*Resolved,*

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

**The Chair:** Copies of written evidence that the Committee receives will be circulated to members by email and 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.—(*Victoria Atkins.*)

**The Chair:** If everyone is agreed, we will go into a private session for the briefing on cyber-security and to discuss the lines of questioning. Time is very tight, so we will allow five minutes for the presentation and, if there are any obvious questions, a few minutes for that. If people have things that they want to follow up, I ask them to do that separately with the PDS; otherwise we are just eating into the Committee's time.

9.29 am

*The Committee deliberated in private.*

9.36 am

*On resuming—*

**The Chair:** I want to check how members of the respective parties want to handle the questions. We have our first panel until 10.30 am; they will all be giving evidence by video today. It is slightly harder since we are not sitting in our usual formed lines, but my assumption is that I should simply alternate between members of the respective parties and allow enough time for the Minister and the Front-Bench spokespersons to come in towards the end. Are you happy with that?

**Hon. Members indicated assent.**

**The Chair:** Obviously, you can either use the questions that are on the brief that you have been given, but there is no objection to your asking your own questions. However, the questions must relate to the content of the Bill; we do not want any flights of fancy from anyone. I hope that makes perfect sense.

Also, if anyone has anything that they need to declare, I hope that they will be kind enough to do that.

I think that covers all the preliminary business. I am conscious that it is difficult to be called with the arrangement in the room, so if you want to be called, just indicate that to me. And if you are sitting at the back, there is a microphone there, so that you will be heard properly. If anyone is having any terrible difficulties, let me know.

Otherwise, if you are happy to proceed, I will call the first panel of witnesses: Assistant Commissioner Martin Hewitt, the chair of the National Police Chiefs' Council; and Chief Constable BJ Harrington, the NPCC lead for public order and public safety.

### Examination of Witnesses

*Assistant Commissioner Martin Hewitt and Chief Constable BJ Harrington gave evidence.*

9.38 am

**Q1 The Chair:** Do you want to make a brief opening statement? I am conscious of time; we only have until 10.30 am. If there is anything vital that you want to say, we can hear it and then I will go to questioning from the Committee.

**Assistant Commissioner Hewitt:** For myself, Chair, all I will say is that throughout the construction of the Bill, all my respective leads have worked with the Home Office officials, to try to make sure that our views have been incorporated, so we feel that we have had the opportunity to be engaged throughout the process. I do not think that I really need to say much more than that at this stage.

**Chief Constable Harrington:** I am one of those respective leads, so I have had plenty of opportunity to inform the Bill.

**The Chair:** Thank you. I call Sarah Champion to ask the first question.

**Q2 Sarah Champion (Rotherham) (Lab):** Good morning, everyone. I want to ask a question specifically relating to the police covenant. I am concerned about the level of support for officers dealing with the trauma of having to investigate child abuse cases, and also the knock-on impact that that will have on the survivors. What mandatory training do you have at the moment?

**Assistant Commissioner Hewitt:** We are always concerned about any officers that have to routinely undertake the kind of work in which there will undoubtedly be an impact on the officer's welfare. We have a range of wellbeing work that we do, including a specific wellbeing service, Oscar Kilo, that looks after all aspects of wellbeing, particularly mental health wellbeing, which has become one of our priorities in recent years. When you get into specific roles such as the one that you identified there, there is training and assessment for officers who go forward and undertake those roles. There is also regular checking and assessment of those officers so that they are looked at again, spoken to and monitored for any of the specific impacts.

As you have identified, there is a range of roles that we now have officers undertaking that are by their very nature distressing, and of course we recognise that kind of repeated exposure, so there is psychological testing and support provided to those officers. In particular roles, that will incorporate routine and regular checking to ensure that the officer's welfare is fine. That fits within the much broader work that we undertake more generally on wellbeing, and, as I say, particularly and increasingly mental health wellbeing.

**Q3 Sarah Champion:** Are there any risks or concerns that you would have if that training became mandatory for all officers as part of the police covenant?

**Assistant Commissioner Hewitt:** The reality is making that work. An issue that we undoubtedly have around wellbeing and the occupational health service provision is the restricted amount of capacity. That is one of our

challenges. In all circumstances, where we want to refer officers or staff for support, one of our frustrations is that it often takes quite a while to access that support. Although there is a positive in the concept of providing more universal support, it would have to be balanced with being able to actually provide the capability and the capacity to do that effectively. That is one of the challenges we face.

**The Chair:** Chief Constable Harrington, do you have anything to add?

**Chief Constable Harrington:** Like Martin said, we have some systematic processes for those who engage in high risk areas. Some of the capacity issues are dealt with by our trauma incident management response, which enables supervisors and peers to recognise, debrief and spot the people who need further and greater intervention, and almost to triage that response following any kind of traumatic incident, particularly in the cases that have been referenced.

**The Chair:** I call Robert Goodwill. By the way, Members are free to take their jackets off if they feel so inclined.

**Q4 Mr Robert Goodwill (Scarborough and Whitby) (Con):** Thank you, Chair. We have seen the police over recent months, and indeed over the last couple of years, having great difficulty in policing some protests, such as Extinction Rebellion protests, that have been disruptive to people in their everyday lives, stopping people getting to work and getting to hospital and, more recently the protests that have been conducted despite the covid restrictions and regulations. How will the provisions in the Bill help you to better police these protests? Do you feel there is a risk that if we go too far it could undermine the trust between the police and the general public and the right that we all hold dear to demonstrate and make our views known? At the same time, we must respect the rights of other people to conduct their everyday lives.

**Assistant Commissioner Hewitt:** BJ, I will probably let you take that one first.

**Chief Constable Harrington:** First and foremost, all police training and all police responses to public order and protest, and those important freedoms that you referenced, are in accordance with the Human Rights Act. Of course, there is always the balance between the positive duties to ensure that people can express those rights, and those negative duties, ensuring that we infringe on those rights only when that is proportionate and necessary. I think the point is around getting the balance right in protecting the rights and freedoms of those who are impacted by that.

We asked for some of the changes that are incorporated into the Bill, including more currency around the powers in the Public Order Act 1986 as was. Protest and assemblies have changed since that time. There are issues such as when does a procession become a static assembly, and an assembly become a procession? There is the consistency of what the police can do, always within a landscape of balancing the competing rights of those affected and those who wish to express their rights. There is also the need for real clarity for both the officers who are required to make difficult decisions, balancing objectively and proportionately what they need to do, and for those who wish to express those rights or to have them protected.

We think that the proposals to align sections 12 and 14 of the Public Order Act 1986 really do bring that currency to what we see and how people protest, assemble and march now. There will also be consistency so that people can better understand. Of course, things like the public nuisance elements allow us—the police—to anticipate better where there will be significant or serious impact. “Significant impact” is the phrase we would want to see. You have seen and referenced some of that significant disruption to people whose rights are infringed by others. We think that the changes bring currency and consistency and, overall, greater clarity for all those who have to police it and those who take part.

**Q5 Mr Goodwill:** Do you feel that the Bill goes far enough in giving you power? Many other countries, for example, use water cannon to deal with that type of demonstration and disruptive activities. Have the Government put enough tools in the Bill, or would you have liked to have seen more?

**Chief Constable Harrington:** From our perspective, we asked for the consistency between those two sections, and that is included. We asked for, and would like to see, particularly serious disruption—a very high threshold—to become more like significant impact on the community. Of course, we can prove disruption, and it is also about whether the impact is on, for example, a small business, an individual, a neighbourhood or, indeed, a large institution or Parliament itself. We asked for that, and we think the Bill starts to address that.

In terms of the powers and the response to that, the tactics and things, whether that is the use of force, that we apply—you referred to water cannon available to other police forces and other countries—always need to be in that balance and, of course, proportionate and necessary to achieve that legitimate aim. But the proposals give us greater clarity to be able better to balance those competing rights, which are always tricky and difficult and always require judgments about those who are affected by it and those who are expressing their rights, and there will always be opposing opinions. I think the Bill broadly gives us that extra power.

**Q6 Mr Goodwill:** During the Extinction Rebellion protests, we saw people taking the law into their own hands and, for example, pulling protestors off the roofs of tube trains. Do you feel that, with these provisions, the public will be less likely to feel they need to intervene to ensure they can carry out their ordinary lives, with the police powerless to do so?

**Chief Constable Harrington:** If I may reference Her Majesty’s inspectorate of constabulary and fire & rescue services’ survey of the public, where there is serious disruption, the public are very supportive of the police being active and preventing that action taking place. I think the public will perhaps always step in when they see a significant impact on them, or in terms of the lower elements, where it is just frustrating perhaps or just annoying. I think the public in the survey showed that they are more tolerant of that.

It goes back to the previous questioner’s point: in the police service, we guard the freedoms of expression and assembly very carefully, because they support police legitimacy in terms of the police being the public, and the public being the police. So I think the Bill gets the

balance right. I think the public will always be concerned where people are climbing on top of tube trains, which is simply dangerous. That will always be a case where the police or the public would want to intervene.

**The Chair:** Is there anything you want to add, Mr Hewitt?

**Assistant Commissioner Hewitt:** Not really. We police public order and protest in a particular way, and I am very proud of the way that we police that. As has just been said, it is always a challenge to balance the different rights, responsibilities and risks, and that is what our commanders do routinely. What the provisions in the Bill give us is greater consistency and clarity, which is really important for the commanders and the officers on the ground, but equally for people who are seeking to protest. This is an environment that changes and shifts, and the Bill gives us extra certainty and clarity in terms of dealing with situations as they arise.

**The Chair:** Thank you. I call Maria Eagle.

**Q7 Maria Eagle** (Garston and Halewood) (Lab): Thank you, Mr McCabe. People in this country have a right to peaceful protest, and it is tremendously important that it is kept. You have acknowledged that in your earlier answers, but if there is a peaceful protest or picket happening outside a business or a premises, how will you ensure that police officers on the scene know what the balance ought to be? How will you ensure that this is properly policed, so that people's rights are not infringed?

**Chief Constable Harrington:** Police training already clearly plays a large part in our obligations, positive and negative, under the Human Rights Act, and we make those judgments around balance now—the protection of rights and freedoms of others, versus the rights of assembly and freedom of expression that are so important. It is a core part of our training, from senior commanders through to police constables and every rank and grade in between. We already balance those competing rights.

In terms of preparation, we engage with protest groups where we can and where they wish to engage with us. We try to understand what it is that they wish to achieve through their protest, and we then try to speak to those who would be impacted on—you used the example of people in a shop—to understand what they need. We try to strike a balance that allows both of those rights and freedoms to be carried out and realised. Sometimes there is conflict in that, because some might seek to obstruct one or the other. That is when police commanders and officers have to make those judgments, but it is always about how they balance those rights in a way that is proportionate and necessary. Of course, any restrictions that we place on those rights must always be prescribed in law, and that is what we say the provisions in the Bill allow us to do more clearly for all involved.

**Q8 Maria Eagle:** The Good Law Project is concerned that, in effect,

“entire classes or types of protests”

will be prohibited and that the bar for what will constitute significant disruption to the community, which is a woolly phrase—what does that consist of?—will be set at a low level, which will infringe on people's rights to

protest peacefully. What do you think about this, and what is your understanding of the definition of serious annoyance?

**Chief Constable Harrington:** The vast majority of protests across the country are largely unpoliced and take place without police intervention, and we use our current powers under the Public Order Act to impose restrictions relatively infrequently. Over the past year, I do not think it has been more than 20 times, although some of those have been high profile and have obviously been challenged in the courts. These are not powers that we seek to use frequently, and they are well considered. Of course, they are subject, and have been subject, to challenge in the courts, both through judicial review and subsequently when people have been prosecuted for breaching the conditions in relation to that.

On serious annoyance, we think serious disruption is a very high bar. We asked for “significant impact” on the community, to take account of where it may not be serious but is perhaps significant to a business, an individual or a school, or to the operation of someone's life and freedoms. On serious annoyance, we need to see what Parliament's decision on the definition of that is and to interpret that accordingly, always coming back to how we interpret the law in a way which comes back to the fundamental freedoms and those fundamental obligations on policing, which is to get the balance right between those who wish to express those rights and those who are impacted by them. We will have to see what Parliament decides and whether it is able to give us some clarity about what that means, so that we can make those judgments in an informed and lawful way.

**Q9 Maria Eagle:** Have any of you ever policed a protest or been involved in policing a large protest that has been peaceful, or otherwise, and that has not been noisy?

**Chief Constable Harrington:** I have policed many protests over 27 years in London, and headed up public order for the Metropolitan police in a previous job, so, yes. There are lots of cases—Redmond-Bate and others—that would suggest that protest is annoyance and disruptive. This is the balance. We come back to the point: where does that level of disruption become, in our view, a significant impact on a community? That is the balance of judgment that we have to make. If that stops the operation of a business—a hospital perhaps—or stops thousands or tens of thousands of people commuting to their jobs each day, our argument would be that that tends to trip the bar to say that that is not proportionate and the balance is out of kilter there.

Equally, we have to take into account that there will be some annoyance and there will be some noise, but that is the judgment call that commanders have to make, balancing those and taking the evidence or the information from those affected by it. We would very much welcome from Parliament guidance and a steer as to what that would mean and what the levels are—if you excuse the pun—because that is how we can then make sure that we balance those rights lawfully and proportionately.

**Q10 Maria Eagle:** Are you telling me that those protests have all been noisy or that some of them were not noisy?

**Chief Constable Harrington:** Some are very, very noisy, with drums, cymbals and bands, and others—certainly that I have been involved with—have been absolutely silent, because of the nature of those protests. Noise is one element which can disrupt, but so also is the presence. So there is a whole variety of different protests, but, yes, many are noisy.

**Q11 Maria Eagle:** Finally, if there is a small one-person picket outside a shop for a particular reason, or a very small collection of people with a legitimate reason to protest or picket at a site, can you reassure me that those protests will be allowed to go ahead?

**Chief Constable Harrington:** The presumption is that people have a right to assembly, and we would only impose conditions on those where we think that there is serious disruption, serious disorder or the likelihood of serious damage, or they are there to intimidate people. As the law suggests, we have always said that, in terms of serious disruption, that bar is very, very high, and we would like to see “significant impact”.

We use these powers currently very rarely. We allow and facilitate many protests, and sometimes to our criticism. Police commanders are criticised for getting the balance wrong because one or other side, or opposing views, think that it should not be allowed. I cannot say that every protest will always be allowed, but I think individual commanders will make informed, balanced judgments based on the information, always seeking to get the balance right, with a presumption that is set out in the Human Rights Act that we will facilitate a peaceful assembly, but always balancing that against the protection of rights and freedoms of others.

**Q12 Maria Eagle:** Thank you. And finally, finally, did you ask the Government for these powers?

**Chief Constable Harrington:** As I said, we asked for greater consistency in sections 12 and 14 of the Public Order Act. For the Committee’s benefit, for a procession, we can impose conditions such as appear reasonable to the senior commander in the circumstances—whatever range of conditions. For an assembly, we can only specify location, duration and maximum numbers. As I said, the point is when does a march begin and an assembly stop? You will have all seen that in your own experience.

We asked for greater clarity around public nuisance and for that to become a statutory offence, rather than a common law offence. We think that gives commanders and the public greater clarity and understanding. We think that is an important power that will allow us to deal with some of the more serious disruption to communities that perhaps might be planned.

We also asked that, where we have talked to individuals and gone through breach of the conditions, whether in advance, through publication, through engagement or through the five-stage appeal before we use enforcement, and where we have done everything we possibly can, often videoing officers speaking to or giving a leaflet to someone who we say is breaching, that the presumption be shifted, as they ought to know, because we have done everything possible. We have asked for those kinds of powers, and they are reflected in the Bill.

**The Chair:** I will come to Allan Dorans in a second, but in the interest of balance we will go first to Antony Higginbotham first.

**Q13 Antony Higginbotham (Burnley) (Con):** What impact has social media had on public order and protests over the last 10 or so years? Historically, with large protests, you would have had a set of organisers that you could go and engage with, but perhaps you do not have that same group of people now. What impact does that have on conditions? Historically, you might have been able to put conditions on protests, because you had people to engage with, but now, if a protest is organised organically on an online platform, you cannot do that. What impact have you seen from that?

**Chief Constable Harrington:** Social media has been a game changer in many ways. We still get organisers who come forward and people who say they want to march from A to B. They will organise around that; they are what I call a traditional protest march.

But, as you rightly say, we can have protests or assemblies that are organised in a matter of hours—sometimes minutes—and the use of social media can change those protests and make them more dynamic. Hence, the currency around that, because something was advertised as an assembly at a particular point, but, very quickly, through social media, everyone is off to another point, and it becomes a march. We think that is really important, and the powers help us because we can be really clear about imposing proportionate, lawful and necessary conditions, if the threshold is met, on the whole of that protest, whether it walks or stands still. Then everybody can be clear about what they do.

In terms of social media, we have adapted very quickly, I think. You will regularly see police officers in our police liaison team trying to engage with organisers. We will see approaches through a whole range of social media platforms. Sometimes, as it is people’s right not to engage with us, you will see senior officers making very clear appeals and clearly setting out through social media what, in the policing judgment, is acceptable or not acceptable, in order to make sure people are clear about where they may or may not be breaking the law if we impose conditions.

So we have adapted to that and we continue to do that. Through events, you will see that we continue to do that for those events. We also use social media to understand the impact on those affected, so that we can either protect property or protect the rights and freedoms of those who may be affected.

**Q14 Antony Higginbotham:** That is very helpful. Thank you. Are there situations where you might get notice of, say, an assembly in one place, but then because of the impact of social media—WhatsApp and Facebook groups and things like that—that quickly becomes a procession? Is that the kind of thing we are talking about? Linked to that, can you envisage the conditions that you currently impose changing materially as a result of this Bill, or is this just about trying to marry the two things up because of the more fluid environment that you are policing?

**Chief Constable Harrington:** It is the ability to communicate quickly, to change their focus of protest very quickly and to divide and split up—it is just that it is dynamic. We see that in a social context—“I’ll meet you here” or “I’ll meet you there.” That is the same thing in protests.

I think you hit the nail on the head about what we are asking for around consistency and currency, allowing the powers that we use—again, proportionately and

with all the balance and the constraints of the Human Rights Act—to be really clear, so we can say, “What is the impact of what this group propose to do? How do we best balance that?”

Then, if we think the threshold is met, we can impose conditions that allow us to be really clear about what we are trying to achieve. To the point you made earlier, we then need to communicate that very clearly to those involved so that they have every opportunity to express their rights, understanding what the rules and thresholds are for when the police would intervene.

**Q15 Antony Higginbotham:** One final question: Do you get the right level of engagement you need from the social media platforms themselves, thinking about closed online groups where you may not be able to get advance notice? Do you get that engagement when you need it?

**Chief Constable Harrington:** We are very careful with the use of closed online groups. The open-source platforms we use are exactly that: open source. Our communication with protest groups is open, as is their conversation with us. I think we are very careful; our access to those would be about criminality, and that is not what we are talking about here in terms of our use of those powers. This is not to limit or criminalise protests; it is to balance those rights of disruption with competing rights.

Seeking access to closed groups would always be at a very high threshold we would consider only with criminality. We do that in other arenas, and we have good powers and good co-operation in order to do that. We would not seek that routinely as part of policing protests or public order. As we have seen over the last year—even this last weekend—there have been largely peaceful protests. My view as the national lead is that we would only seek those powers where protests end and criminality begins, but I think they are well catered for elsewhere.

**Antony Higginbotham:** That is very helpful, thank you.

**The Chair:** Allan Dorans.

**Q16 Allan Dorans (Ayr, Carrick and Cumnock) (SNP):** Thank you, Mr McCabe. I shall take this opportunity to declare my interest in this matter as a former detective inspector in the Metropolitan police service. My question is about the introduction of serious violence reduction orders, which is a new court order allowing police officers to search without reasonable grounds those who have such an order against them. What criteria would you expect to see before application was made for such an order?

**Assistant Commissioner Hewitt:** The first point I would mention is that there will be pilots for the serious violence reduction orders. We have been and will continue to work very closely with the Home Office to make sure that we fully understand the impact of such orders. There is no doubt that there are people who are more violent and have a history of violence, and we do a range of things to try to reduce the number of violent crimes. Our concern is to make sure that there is no disproportionality in the way these orders are used, so we are really keen to work very closely with the pilot site to assess how this can be another tool—and it is just one further tool—in dealing with street violence and violence among younger people.

We do think there is an opportunity for certain individuals to become subject to this sort of order, but we want to work with the pilot site to see how we can make that work; how we can make it an effective tool that does not cause more challenges with particular parts of the community.

**The Chair:** Thank you. I want to try to squeeze in one last Back-Bench question—Hywel Williams, could you make it brief, because I want to get to the Front Benches.

**Q17 Hywel Williams (Arfon) (PC):** Thank you, Mr McCabe. I just have one question. The responsibility for key agencies locally in Wales is a matter for the Welsh Senedd—social services, housing, the environment, planning, childcare, those sorts of matters—whereas policing is an England and Wales matter. Is that at all problematic, particularly as public policy might diverge as the Senedd passes more law in respect of those particular agencies which are its own responsibility? I am thinking, really, in terms of information sharing and the formulation of joint strategies locally between the police and other agencies.

**Assistant Commissioner Hewitt:** Potentially, that presents a challenge. The four Welsh forces work extremely well with Welsh Government, and—obviously—with local authorities in the individual force areas. There is always going to be a challenge when people are potentially in different legislative places. We have been dealing with that in many senses in our response to the covid pandemic for the last 14 months or so: we have very deliberately responded as one UK police service, but on almost all occasions there have been slightly different regulations in Scotland, Northern Ireland and, for that matter, Wales. That presents a challenge to policing, but I know for a fact that the four forces in what the National Police Chiefs Council would describe as the Welsh region work incredibly closely with the Welsh Government and with local authorities in the individual areas. We work effectively and collectively as one UK police service. I am confident that we will be able to bridge those gaps if they exist and deal with the challenges, but those challenges nonetheless do exist when we are potentially in different frameworks.

**Chair:** Let us switch to those on the Front Bench. I will go to the Opposition first. I call Sarah Jones. You have about 10 minutes.

**Q18 Sarah Jones (Croydon Central) (Lab):** It is good to see you both, I thought I was going to see you in person, finally, but no. Thank you for everything you have been doing this year. It has been a difficult year with covid, and the police have done an incredible job. Thank you for that.

I have some quick-fire questions first concerning several other issues in the Bill that we do not have time to go through in detail, so do not feel that you have to give long answers. On the police covenant—that we welcome—would you have liked to see other police officers included in the primary legislation, such as the British Transport police and the Ministry of Defence police? That question is to Martin.

**Assistant Commissioner Hewitt:** As I say, we work as one police service and we really have done so over the last 14 months. Potentially, that would be a positive

thing. We are working closely with the Government. I have set up a shadow police covenant board which has all the representatives of the organisations: staff associations, unions, police and crime commissioners, and the NPCC. We are working really closely with the Home Office officials who are putting it together. My view is that we operate as one UK police service, and it would be helpful if that was likewise.

**Q19 Sarah Jones:** Great, thank you. We do not have time to talk in detail about the duty in the Bill to prevent serious violence, but one of the issues raised with us is the problem of serious violence and the exploitation of vulnerable people, in particular through county lines, and the need to do more to tackle that. In your work to tackle county lines and exploitation, would a definition of child criminal exploitation be useful?

**Assistant Commissioner Hewitt:** There could be some potential to that. We have, as you know, been alive to the issue of exploitation, particularly in the guise of county lines. We have used other legislation to prosecute the criminals exploiting those children. It is clear, though, that it is a phenomenon. That is why the requirement to share information is important: so that we identify all the risk factors as we collectively try to reduce violence. It may be worth considering a specific definition, but it is well understood in policing. That aspect is part of how we try to deal with those issues— particularly but not exclusively county lines.

**Q20 Sarah Jones:** Moving on to unauthorised encampments, and the view of the NPCC that

“The solution to unauthorised encampments lies in the provision of sufficient lawful accommodation accompanied by closer working between the police, local authorities and all other public services.”

Will you expand on that view? Why did you come to that position? These are really quick-fire questions, sorry.

**Assistant Commissioner Hewitt:** This is a really challenging area for policing, and it provokes strong views on all sides. The police often find themselves in difficult situations when dealing with these issues. Our group, which worked very closely on this issue, strongly believes that the fundamental problem is insufficient provision of sites for Gypsy Travellers to occupy, and that that causes the relatively small percentage of unlawful encampments, which obviously create real challenges for the people who are responsible for that land and for those living around. Police still get involved at the moment. The view of our group is that the existing legislation is sufficient to allow that to be dealt with, and we have some concerns about the additional power and the new criminal provision and how that will draw policing further into that situation. Really, our point fundamentally as the NPCC group is that the issue here is the lack of provision that theoretically should be made, which means that we have this percentage of Travellers who are on unlawful spaces and you end up in the situations that we end up with. Our view is that the current legislation is sufficient to deal with that issue.

**Q21 Sarah Jones:** Thank you, that is really helpful. On the extraction of data from electronic devices, I have talked to several people in the police who are concerned about the lack of resources in policing at the moment to

extract information from electronic devices, let alone in an increased sense. Can you expand on that issue and your resources for that task?

**Assistant Commissioner Hewitt:** I think we all understand that the volume of digital evidence that is required for almost every investigation has grown and grown as all of our lives are lived more digitally. That has created real pressure on the time limits of investigations and our ability to gather the evidence that we need to take an investigation forward. We have increased the capability. It is partly about equipment and having the right equipment to be able to extract digital evidence. It is also about having officers and staff who have the right capabilities to assess that evidence and produce it in an evidential form.

There is no doubt that that is a growth area, and all sorts of discussions are going on between us and Government about increasing our capacity and capability for that. However, the flip side and the really important point is making sure that what is being done is lawful, proportionate and necessary. Again, that side of the work is equally important.

This is never going to be about randomly extracting data; this is about extracting the data that is required to conduct a proper investigation, provide evidence and decide how something goes forward and, really importantly, doing that in a timely fashion. As we all know, there are real concerns about the timelines for investigations and prosecutions, and one of the key factors in the delays in those processes is the extraction and analysis of digital forensics. So we need the legal framework to allow us to do that properly and we then also need the resourcing and the capabilities to do it within the right time limits.

**The Chair:** Can I remind you, if Mr Cunningham is coming in, that you are in the last two minutes of your time, so how you use it is up to you.

**Sarah Jones:** Can I ask one question on protest?

**The Chair:** I am switching at twenty past.

**Q22 Sarah Jones:** It is a very specific question. There has been a lot of talk in the debate about protests and the ability of, for example, ambulances to get to where they need to get to. Can we be clear—it is really important that we know what is in the law and what is not—what new powers does the Bill give to the police, for example under the provisions of the Highways Act 1980 or the Criminal Justice and Public Order Act 1994, to ensure that vehicles that need to get past can get past?

**Chief Constable Harrington:** Of course, there is a process by which we have to react to highway obstruction. It does not allow us to assess impact on hospitals or access for emergency vehicles. There is clarity between what is a procession and what is an assembly, and we can apply such conditions as are necessary, with all of the balancing around what could be a march or an assembly or both. If you take Parliament square, sometimes people will rotate around it. I know there is particular interest in St Thomas’ Hospital with Westminster bridge, for example. The ability to have consistency allows police commanders, where required, depending on the size and nature of the march, protest or assembly, to be clear in advance about where emergency vehicles will be allowed to get through.

I use Parliament square as an example because it will be evident to members of the Committee and easy to describe, but the same issue might arise elsewhere. The process enables us to be clear in advance where that threat is posed or, at the time, to be clear and able to communicate that. With highway obstructions, there is a need to negotiate, discuss and decide whether there is lawful authority and if an emergency vehicle is trying to get through, that takes time and it will not be effective.

**The Chair:** Thank you. I have got to switch to the Minister, Victoria Atkins. If there is time, I will come back to Sarah Jones.

**Q23 Victoria Atkins:** Thank you. Like Sarah, I will try to ask quick questions and I would welcome quick answers. First, on the police covenant, I would like to clarify that the covenant applies to officers, staff and volunteers in the police service, and to those who have left as well as those currently serving. Is that correct?

**Assistant Commissioner Hewitt:** That is right.

**Q24 Victoria Atkins:** In relation to the serious violence duty, we all acknowledge that we cannot arrest our way out of the problem, particularly with the emergence of county lines. Do you welcome the efforts under the duty to get all the relevant local agencies, including local councils, health services and educational services, to work together to draw up a plan to prevent serious violence in their local areas?

**Assistant Commissioner Hewitt:** Yes, I welcome that very much. In some senses, that was previously there. When you look, in particular, at the work that has been done by violence reduction units in the past year to 18 months—a couple of years, in fact—getting all the relevant agencies in the local area to focus on and prioritise reducing violence, and play their part, is the way to reduce levels successfully. We can never do that purely by enforcement. This is a really important opportunity to bring all those groups together and focus on violence in their local area.

**Q25 Victoria Atkins:** Importantly, that also brings transparency to collective efforts to tackle serious violence, because the plans and processes will be transparent, and the public will be aware of what is happening locally.

**Assistant Commissioner Hewitt:** The fact that it is a partnership is really important as well.

**Q26 Victoria Atkins:** On public order, we heard mention earlier of the phrase “serious annoyance” in clause 59. That brings the common law offence of public nuisance on to the statute book. Chief Constable, could you help us understand why the police want us to put that common law offence on to the statute book? Could you also explain the derivation of the wording, particularly that phrase “serious annoyance”? In other words, the history of the common law offence of public nuisance over many centuries has included that phrase. It may not mean the same in legal terms as it does in common parlance.

**Chief Constable Harrington:** We did ask for public nuisance to be made statutory. A Law Commission report from 2015 clearly set out more broadly some of the benefits of doing that. The report refers to:

“serious distress, annoyance, inconvenience or loss of amenity; or is put at risk of suffering any of these things”.

The measure would be for more unusual kinds of protest activity that are not a march. Historically, people have hung off gantries of cranes, where there is serious inconvenience and loss of amenity.

Importantly, making it statutory establishes two things. First, the rules are very clear to those who have to use and understand the legislation. The common law is good, but it is steeped in decided cases and judgments that are often difficult to extract for non-lawyers. It allows Parliament to be clear about what the phrases mean, and to give guidance to policing and the public on what is intended. From a policing perspective, where we have intelligence or information, it allows us to act in advance to prevent some of those issues, where proportionate and necessary. That is the difference that it makes. We are working from the Law Commission report in 2015, which states a number of benefits. We see those as very important for those reasons.

**Q27 Victoria Atkins:** To clarify, that phrasing has derived not from Home Office officials or Ministers dreaming it up on the back of an envelope; it follows many centuries of legal development, culminating in the 2015 report by the Law Commission.

**Chief Constable Harrington:** Yes, that is the Law Commission’s summary of what that should be. That is where that phrase appears. We welcome the clarity; making it part of statute allows for phrases such as that and others to be clearly defined for us and for the public.

**Q28 Victoria Atkins:** My final question is on the extraction of information from digital devices. Particularly in the context of sexual offences, we have an understanding of the impact that searching and seizing digital devices, sometimes for very long periods of time, can have on complainants and their willingness to start and support the police in an investigation and on the attrition rate, where complainants withdraw from cases as they progress. What is your understanding of the framework and code of practice set out in the Bill? What will that do to help complainants in future, particularly in relation to sexual offences, although it will apply across the board?

**Assistant Commissioner Hewitt:** As I alluded to, it is critical to have a clear code of practice and framework to ensure the extraction to be proportionate and necessary for that investigation, and to be very clear about timelines, how that will be done and how the victim—or the complainant—will be treated throughout. This has been a very challenging area for us. Having that certainty and clarity of the guidelines will help to ensure that everybody understands the process. As I said, the ability for us to do that as quickly as we can, to deliver the evidence we need, is really important to maintain confidence, as you say, for people to come forward, and to maintain those complainants throughout the process, to reduce the attrition levels.

**Q29 The Parliamentary Under-Secretary of State for the Home Department (Chris Philp):** As always, it is a pleasure to serve under your chairmanship, Mr McCabe. I join other members of the Committee in thanking the police for their service in the difficult circumstances over the past year.

I have two brief questions. The first relates to the proposed increase in the penalty for assaulting an emergency worker from 12 months to two years. Does the police

[Chris Philp]

service welcome that change? Do they think that it will potentially deter people from attempting to assault officers in the discharge of their duties?

**Assistant Commissioner Hewitt:** Yes, we welcome that change very much. It is sad to report that we have seen a steady increase in assaults on emergency workers, primarily police officers. In the month up to 14 March this year, there was a 19% increase on the previous year in assaults on emergency workers, predominantly police officers.

We have done an enormous amount of work in the service; we did an officer and staff safety review process, which is working to improve the safety of our officers and staff. We have worked closely with the Crown Prosecution Service, which has been supportive in achieving charges where officers or staff are assaulted in the course of their duties. I think the increase in the sentence is positive, provided, of course, that those sentences are handed down when people are found guilty at court. We are supportive of that, because it demonstrates the seriousness and the importance of the fact that, although our officers and staff protect the public and do dangerous things, they should not expect routinely to be assaulted.

**Chris Philp:** We completely agree, thank you. My final question relates to out of court disposals. There are proposals in this Bill to simplify the number of out of court disposals from six to two. That has been trialled, I think, in three forces over the past few years—

**The Chair:** Order. Minister, I am very sorry to interrupt you, but we are out of time. We will have to save that question for another witness or another occasion. I am afraid that brings us to the end of the Committee's allotted time to ask questions. I thank our witnesses on behalf of the Committee. Apologies, Minister, but we are on a pretty tight schedule.

#### Examination of Witnesses

*Chief Superintendent Paul Griffiths and John Apter gave evidence.*

10.30 am

**The Chair:** We now hear from Chief Superintendent Paul Griffiths, president of the Police Superintendents' Association of England and Wales, and John Apter, chair of the Police Federation of England and Wales. We have until 11.25 am for this session. Can I ask you to introduce yourselves for the record, please, gentlemen?

**Chief Superintendent Griffiths:** Good morning. My name is Paul Griffiths, and I am president of the Police Superintendents' Association. We represent more than 1,300 senior operational leaders across England and Wales, and other non-Home Office forces and Crown dependencies. Our main priorities are to influence national strategy and to protect our members if they are at risk or from a wellbeing perspective.

**John Apter:** Good morning. I am John Apter. I am the national chair of the Police Federation of England and Wales, and we represent 130,000 officers across England and Wales—across all 43 Home Office forces—from the rank of constable up to and including chief inspector.

**The Chair:** Thank you. I think we will try to follow the same pattern as before. I will try to get Back Benchers in first, and then I will allow about 10 minutes each for the Front Benchers.

**Q30 Sarah Champion:** Mr McCabe, may I start by apologising for my tardiness? It is a pleasure, as always, to serve under your chairmanship. The strange surroundings threw me. I do apologise for that.

Can I ask of our witnesses the same question that I asked of the chiefs? In the police covenant, would it help and support your members if there were mandatory provision at the very beginning of training and all the way through to support you on a psychological level? I am very aware that you are the first people on many occasions to see some hugely traumatic situations. I am particularly thinking, on child abuse, of the amount of time that police officers have to invest in seeing some pretty horrific things. Should we put in the police covenant mandatory training and support for officers to deal with that trauma?

**John Apter:** I am happy to start. Thank you for the question. The police covenant is very close to my heart, and it is something that the Police Federation has campaigned for. Absolutely, it needs to be meaningful and tangible, and it needs to have a benefit for those it is there to support—not only officers, but staff, volunteers and retired colleagues. Mr Hewitt said earlier that much has been done about wellbeing in policing over the past few years, and I support that.

We have come an awful long way, but we have not gone far enough. One of the frustrations that my colleagues have is the inconsistency within forces. I have had this conversation with the College of Policing, and part of that is the lack of ability or willingness to mandate particular aspects of training and support. The covenant gives us a great opportunity to put in place mandated levels of psychological support and training from the start of somebody's service to its conclusion and beyond.

**Chief Superintendent Griffiths:** I echo John's view on this. There has been a rise in some of the challenges that officers face—even our members—in terms of psychological trauma, post-traumatic stress disorder and so on. In my role as president of the Police Superintendents' Association, and as a trustee of the police charities that help and support in these issues, I have seen a rise in some of the challenges that officers face—not only those on the frontline, but my members who are senior operational leaders.

The service has come a long way with the frontline review, the officer safety review and a rise in our focus on wellbeing as a consequence of some of the challenges we have faced over the past decade. Do we need anything additional in the legislation in respect of that? There is a need for consistency across occupational health standards, but I think that could be achieved through the programme management rather than through legislation. There is a real focus in the service now, through Oscar Kilo and wellbeing, the NPCC, and staff associations in this area, and we are working closely together, so there is a golden opportunity with the police covenant to best serve and support officers and staff across the whole country.

**Q31 Sarah Champion:** The Bill, as it stands, is a working document. If you were able to draft amendments specifically to provide more support for victims of crime, what would you both like to see in it?

**Chief Superintendent Griffiths:** It is hugely important for us to be victim-orientated in our policing services. We have really focused, over the last 10 to 15 years, on vulnerability issues and the significant vulnerability areas of policing, through the College of Policing and the NPCC drive, and we have identified victims, both online and in the physical space. That is a clear focus for us as a service: how best to serve victims.

In many of the initial contacts with victims, we provide a very good service and there is very good feedback, but over time, with the pressures that we are under, that sort of connectivity, and the confidence and trust that victims have in policing, can get strained because of the lack of contact. That is not to say that things are not going on, but we have to work within a system—particularly through the criminal justice system, which is also under strain—where we have to work with victims as best as possible, to deliver the best possible service.

In terms of our service delivery to victims, not only are our tact and diplomacy important in the way we deal with them, at the incidents or wherever they report matters to us—whether current or historic—but there is almost a path by which we have to keep connected to those individuals to provide them with the best possible service. I think that is key for us: that connectivity, drive and support through all the criminal justice processes.

**Q32 Sarah Champion:** Do you have the resources to do that at the moment?

**Chief Superintendent Griffiths:** We have the increase with the additional 20,000 officers who are coming in. It is my hope and expectation that we can actively deploy them to support victims, along with the other challenges and demands that we have. Do we ever have enough police officers? No. There are always things that we want to do, and we have the same ambition as society: to do the very best we can and do as much as we can. In that sense, we never have enough, but in terms of our ability to deal with some of the demand, the increase in resources is very welcome, and hopefully, we will be able to provide a better service to the whole public, as much as our focus around victims.

**Q33 Sarah Champion:** Thank you. And from the Federation's point of view?

**John Apter:** I completely echo and support Paul's comments—he and I work very closely together on this. My colleagues want to do the best they can for victims of crime. What I would add to what Paul said is, "Let us not forget the victims within the service." You heard from Mr Hewitt that assaults on officers, staffers and other emergency workers have increased by 19% during the pandemic—some horrific levels of attacks—and very often, my colleagues say that they feel they are treated as a second-class victim.

I think we have done enormous things to improve that over the years. A project called Operation Hampshire, of which we are particularly proud and which is being led by the Met, is improving the quality of service that victims within the service get. If I were to add to my ever-increasing wish list on the legislation, I would say that yes, the victims in the public must get the best service possible, but I want to see that same level of service—not better, but the same—extended to my colleagues and members of police staff, because all too often, they feel that that is not the case.

**The Chair:** I think we had better move on. I call Robert Goodwill.

**Q34 Mr Goodwill:** Mr Apter, I would like to ask you a little about police drivers. The general public understand that from time to time, those driving police cars will need to break the speed limit, disregarding signals, pedestrian crossings and so on, but I understand that the Police Federation has been campaigning for more clarification in the law for those situations, to protect drivers who were acting in the public interest when something has, unfortunately, gone wrong. Could you give me a bit more information on why you think those changes might be needed?

**John Apter:** This is a longstanding problem for policing and actually for all the emergency services. What we have seen far too often was highlighted in a case in the Hampshire constabulary, when a traffic officer—a roads policing officer, who was fully trained—was engaged in the pursuit of someone who had stolen a vehicle after quite a nasty burglary. It was a textbook pursuit; nobody was injured and we caught the baddies at the end of the pursuit. However, that officer and his crewmate were prosecuted for dangerous driving and they ended up in Crown court. The reason is that the law, as it is currently, does not recognise the training that the officer has received or the purpose to which the vehicle is being put. That puts my colleagues in a very vulnerable position.

So we have been campaigning for many years to try to redress the balance. I want to say on the record that this is not about the Police Federation saying that colleagues can drive as they wish without any fear of scrutiny; some people may have to face prosecution or inquiry. But far too many of my colleagues are prosecuted for simply doing what they have been trained to do.

All that we are seeking is for the training and the purpose of the journey to be recognised in law, because I think the public watching this would be astounded if they were to see a police vehicle engaged in a pursuit or an emergency response and that driver is then judged as any other member of the public. So, you take away the blue lights and the police markings, and that vehicle is treated as one being driven by any other member of the public. That is bizarre; that should not be allowed to happen.

We expect police officers and indeed other emergency drivers to get to a particular place as quickly and as safely as they can. The law fails to protect them at the moment. So, yes, we are seeking those changes. I am really pleased to see the Bill but there are some amendments that we want to see, and we are working closely with the shadow team and the Home Office to see if we can bring about those changes, to make sure that the legislation is fit for purpose and protects the officers who deserve to be protected.

**Q35 Mr Goodwill:** Is it easy to define a situation when a police officer will disregard, for example, a speed limit? If there was a domestic incident, presumably there would be a judgment call as to whether a woman may be in danger, or whether it was just a case of getting there within the law. Is it difficult to define when a police officer can use that discretion—I suppose that is the word—to break the speed limit?

I guess that with an ambulance and a fire engine, it is less nuanced, but with the police you would not necessarily know until you get to the scene whether life is at risk and whether it is necessary to speed there.

**John Apter:** Indeed, and the training has certainly evolved. The emergency response and the pursuit training for police drivers has evolved over the years, and the training certainly brings in the judgment—it is all about the information that the officer will receive.

I was a roads policing officer for many years. I was trained in response and that judgment is so important because very often at the end of a pursuit or an emergency drive, it is the driver who is responsible for their actions—nobody else. So, yes, you can only deal with the circumstances that you are presented with and you have to risk-assess in that moment. It is a fine balance.

However, I would say, and I genuinely believe, that we have the best driver training in policing in the world—I really do believe that. Our driving standards within policing, with the emergency driving, are exceptional. We just need that element of protection, but it is not to say—I have used this phrase before—that I condone a wacky races culture. That is not what I am supporting. It is about balance.

**Q36 Mr Goodwill:** Perhaps Mr Griffiths might want to add to that, although it was a fairly comprehensive answer.

**Chief Superintendent Griffiths:** The only bit I would add is that there are circumstances where officers still have to exceed the speed limit as part of their duty. So it would be quite important for us to consider surveillance officers, those doing diplomatic escort and so on, where their driving may leave them in a position where they are under investigation, and it would be reasonable to have the same standards applied to them in the circumstances that could prevail.

**Q37 Maria Eagle:** May I ask you both whether the new powers for policing protest contained in the Bill are necessary, and do you welcome them?

**Chief Superintendent Griffiths:** I know that you have had extensive evidence on this from Chief Constable Harrington as the NPCC lead. Our members play a significant role in protest, whether they are silver or gold commanders, depending on the size and scale of the protest. One emerging trend that has caused them great difficulty has been the change in tactics with some of the protest processes, such as protesters gluing themselves on to certain items involving vehicles—locking on. That change in their movement and the inconsistency have caused our members considerable challenges in terms of how best to interpret the law and apply it in a necessary and proportionate way, so there is support in terms of providing consistency for some of the challenges that they face as the operational public order commanders.

In terms of some of the definitions around “serious disruption” or “significant impact”, we will obviously wait for that to be clearly defined by Parliament, but the training mechanisms that are in place for our public order commanders and public order teams are really significant, are quite detailed and do allow them to really play through and work through some of the judgment calls they have to make, and some of the judgment calls may have to be made within seconds, so some of the changes and amendments do gain support from us.

**Maria Eagle:** Mr Apter, do you have anything to add from the federation’s point of view?

**John Apter:** These were changes that the Police Federation had not particularly called for, but what I do support, especially after listening to Chief Constable Harrington, is the view that we need to evolve the Public Order Act. Protests have evolved over the years. The way individuals react and, very often, confront police officers has dynamically changed. The vast majority of protests we do not hear about: they are unremarkable; they are peaceful. I do not think you will find many police officers, if any, who do not support the right of peaceful, lawful protest. But we have to evolve; the legislation must evolve to be dynamic, as the protesters are. Very often, we see on our television screens so-called peaceful protests, which are hijacked by those with an agenda to cause violence; we see this time and again. So while the Police Federation has not called for this particular part of the Bill, we are supportive of an evolution of the Public Order Act to make sure that it is fit for purpose but still allows lawful protest and gathering—bearing in mind the pressures on policing at the same time.

**Q38 Maria Eagle:** Do you have any view on the impact of the use of these powers on the important relationship between the public and the police?

**Chief Superintendent Griffiths:** I think the relationship between the public and the police has never been more tested than it has been in the last 18 months. Some of the work and effort that has gone into public relations at a time when we have had to police—some of the laws that have been put in place for the covid restrictions have really put a strain on the relationship, in terms of how we balance peaceful protest with trying to maintain the health regulations that are in place. The relationship that we have with the public is fundamentally important to us, and some of the polls that have come out show that there is significant trust and confidence across the public in general. We recognise there is certain strain with certain communities, but in the main we do have public support. Knowing that that relationship is so strong and knowing about the use of the Human Rights Act in everything that we do in terms of policing should provide the public with the necessary reassurance that we police in an appropriate, lawful and necessary way, and we will continue to do so.

**Q39 Maria Eagle:** People in this country have the right to protest peacefully. If the proposed changes are enacted, what will you be able to do to ensure that the public do not lose the right to protest peacefully—that it is not impinged upon by the changes in legislation that are proposed in the Bill?

**Chief Superintendent Griffiths:** One of the most important factors that has emerged over the last 18 months and that is a fundamental part of many of our police command issues—whether that is public order, investigations or firearms—is effective communication with the public, so that there is a clear understanding about what they can and cannot do, what we can and cannot do, and how that relationship evolves. We want to facilitate peaceful protest, because it is a fundamental part of our liberal democracy. That is golden to the public, and it is golden to policing as well, but how we balance the human rights of all the individuals, including the ones who are impacted by protest, is a really difficult and challenging balancing judgment that needs to be made by police commanders. From my perspective, a

lot of this is about effective communication on what is lawful and what is not lawful. We need to make sure that liaison is in place where there are leaders in relation to the protest issues, so that we can plan in advance, facilitate it as best as possible and continue as we have done in many veins, in terms of making sure to the best of our ability that people can protest and not be impacted either way.

**Maria Eagle:** Mr Apter, do you have anything to add from the federation's point of view?

**John Apter:** Obviously, the relationship with the public is integral to our style of policing and for the communities, and it has been tested. Paul is right to say it has been tested to the limit in some places over the past 15-plus months. The overarching issue with the Bill, and on protest, is one for the NPCC and, as Paul says, for the commanders, but when relationships break down, it is my colleagues—my members—who feel the brunt of that out on the streets. Of course, when we are policing protests or any sort of activity where there is high emotion and where there will be an element, in some cases, who will be intent on violence no matter what we do, we have to react accordingly. But communication is key, accepting that some will not want to be communicated with; they will not want to hear the message. The relationship is so important—I cannot stress that enough. I agree with Paul: despite the challenges over the last year-plus, the relationship with the vast majority of the public is still very much intact and still very positive.

**Q40 Maria Eagle:** Finally, you have both expressed the view that the policing of the coronavirus regulations over the last year has increased the strain that is felt between the police and the public, for understandable reasons. If they are enacted, do you think that the changes in respect of policing protest will improve that relationship or make it harder?

**John Apter:** I think the problem that we found with the coronavirus legislation was that it was unprecedented. I remember when the legislation was brought in—it was unbelievable. It was almost like watching a film being made. I have been a police officer for more than 28 years, and I would never have dreamt that we would be policing in the way that we were asked to police. If that is how policing felt, you can only imagine how the public felt, and we had to evolve. There were multiple changes of legislation that were not always as clear as they could be, and I understand why. I understand why the legislation had to be rushed through, but that came with problems, because my colleagues did not always know what was fully expected of them but nevertheless did their best in the most trying of circumstances. With the Bill, Parliament can inspect and go through the processes in a timely way, so I hope on behalf of my members that whatever the Bill looks like at the end of the process, it will offer clarity and guidance, and that people will completely understand what is expected of them, both within policing and for the public. I have hopes, and Parliament will do what it does on scrutiny as the Bill goes through that process.

**Maria Eagle:** Thank you very much.

**The Chair:** Mr Griffiths, is there anything you want to add?

**Chief Superintendent Griffiths:** I was just going to add that when some of the health regulations were introduced at pace, at speed and at scale, there were moments when there was a lack of consistency across the country, but that was gripped by the police service with the four Es approach. The reality is that applying consistency through this legislation will aid public order policing across the whole country. As we move forward and develop, in line with the legislation, we will do what we always do, which is to increase our communication, and review and adapt accordingly, to best facilitate peaceful protest.

**Q41 Siobhan Baillie (Stroud) (Con):** Special constables are a much-loved part of our communities and are respected by everybody, including by the force. The Bill amends the Police Act 1996, which does not permit the specials to be part of the Police Federation. What would that mean to specials? What is your view of the specials as part of the force? Are they supportive of that change?

**John Apter:** I declare that I was a special constable before I was a regular officer. I am passionately supportive of our special constable colleagues. I have always thought it was an injustice that special constables could not, if they wished, be a member of the Police Federation, as the representative body of police officers.

When I was a special many years ago, over on the Isle of Wight, I was not allowed to drive police vehicles, generally I was not out on patrol on my own and I certainly was not allowed to be a specialist in any field, but I did feel part of a team and I contributed. The special constabulary, thankfully, has evolved considerably over that time. Special constables are response drivers. They stand shoulder to shoulder with my colleagues. They have exactly the same powers and they carry exactly the same risks.

I have always thought, even when I was a special, that it was wrong that they were not allowed in law to be members of the Police Federation. The Police Federation has been pushing for this measure for a number of years now, not always with the support that we have now to get it where it is in the Bill.

When the Bill goes through with special constables able to be members of the federation—fingers crossed they do—special constables will feel included. I speak to many special constables, who often feel that it is wrong that they are just not included or considered. That is going to change because of the Bill. They will have the same legal support and welfare support. They will be treated as equals alongside my colleagues. It is absolutely right and proper that special constables have a credible, loud voice alongside the representation of other colleagues. This measure is long overdue; I believe passionately in it and I am looking forward to it being in the legislation.

**Chief Superintendent Griffiths:** We really value the contribution of special constables and other volunteers through our networks across the country. In terms of their contribution to policing, what they do is quite significant. Some of the work that they did through the covid crisis continues to amaze us. It is a valuable contribution. They epitomise the relationship between the public and the police.

I have always had a close working relationship with ASCO, the representative body—the Association of Special Constabulary Officers. This legislation is an enabling opportunity for special constables. It is right and proper that they get protection and support. I have raised issues about funding and true representation, but the legislation has support in terms of its enabling role. Those other reservations about best protecting the rights and so on of special constables are true and dear.

**Q42 Siobhan Baillie:** One quick point: we heard from our previous witnesses about the rise of assaults on emergency workers. That is a key part of the Bill, which has really captured the imagination and support of the public. I am interested in your experiences. How important is that part of the Bill? Does it go far enough?

**John Apter:** I am really pleased to see these measures in the Bill. The violence that my colleagues face is unprecedented. It increases year on year. As Mr Hewitt said earlier, we have seen a 19% increase in assaults on emergency workers during the pandemic—predominantly police officers. The level of violence has increased also. I have been a strong campaigner, and it is not only about a suitable deterrent in the courts. It is also about better training, better equipment, better support, welfare support, and treating police officers and police staff who are victims of an assault as a victim should be treated, which has not always been the case.

I have only one issue with the legislation. There must be a deterrent, but the increase in sentencing will mean nothing unless the courts actually use their powers. On the sentencing guidelines and what we have seen in recent years, I and my colleagues who are victims would say that perverse sentences have been handed down to people who have been extremely violent and inflicted nasty injuries on police officers or police staff, and they have walked away from court. I completely appreciate that it is case by case and the sentencing guidelines need to be followed. In the cases that I have examined, the sentencing guidelines have been adhered to, which tells me that the sentencing guidelines, certainly for assaults on my colleagues, are not fit for purpose. I absolutely support the increase in sentences, but we have to have a real fundamental review and a sensible conversation about sentencing guidelines as well. That is something that I would like to see pursued.

**Chief Superintendent Griffiths:** Naturally, because of the role and responsibilities of our members, thankfully, in one respect, we do not encounter direct risk in that sense, but I regularly get feedback from our members about the risks to the people that they lead, and it echoes John's point around the rise in assaults on police officers and other emergency services. We have seen a 19% increase in the March period compared with last year. We are very grateful to Parliament for considering the increase in the sentence for assaulting emergency workers, but we are under no illusion that this is only one part of the jigsaw. We need to work with not only other criminal justice agencies to best represent, show and demonstrate the impact of this across society, but internally, in terms of our kit, equipment and training and also our development around tactical communication. We need to strengthen that ability to defuse situations by word rather than force. So there are many aspects to this, but we fully support Parliament's consideration of extending the sentencing available.

**The Chair:** We will go to Mr Dorans. This had best be the last question before I go to the Front Benches.

**Q43 Allan Dorans:** The hon. Member for Stroud eloquently asked the question that I was going to ask about special constables. However, I will ask Mr Apter, who spoke recently on the importance of the mental health of officers. What else could be included in the police covenant to help with this?

**John Apter:** That is a really important question. If you go back 10 years or so, my colleagues would say very little. Some forces were better than others, and that is chief constable-led. If a chief constable has emotional intelligence and those values about how people really matter, that trickles through the organisation, but that has not always been felt. There has been a sad lack of consistency when people are in specialist posts that expose them to trauma. I can give you a lived experience. For many years I was a family liaison officer dealing with trauma every single day, knocking on far too many doors and changing people's lives, and not for the better. That was many years ago, about 10 years ago, but my force at the time, Hampshire Constabulary, was very innovative and gave us annual check-ups—welfare and psychological check-ups. We had welfare officers in the force. We had a lot of support, but then with austerity, unfortunately, some of those measures were removed and the force was a poorer place for it. That was typical across policing.

We have moved forward in such a positive way. I am often criticised by my colleagues because I talk up the good work going on—whether it is Oscar Kilo, the national police wellbeing service; the Coventry police, which are doing really good work in this area; or the Police Federation, where we have invested heavily on a welfare support programme for our colleagues—but it is not always felt by all our members. Getting that message out to people about what is available and how to access it is a postcode lottery across policing. We need that consistency.

We need occupational health to be benchmarked to a certain standard. I know we are going to have a chief medical officer—hopefully for policing—which I hope will bring that consistency. That is where the covenant can have some good legislative teeth to say to forces: “This is not a nice to have”. We can't talk all day about looking after our people and say: “Put a post-script about wellbeing and the job is done”. It is much more than that.

That is not to say that is the norm. I don't believe it is now, we have come a long way, but the covenant must show its teeth. It must be brave and make sure that that consistency is across all policing to support my colleagues, certainly with their mental health. We are seeing a crisis in mental health in policing that we have never seen before. It is a real significant concern: a continuous exposure to trauma. Officers are being exposed to levels of trauma that are unprecedented—more than people have seen in the military. This is based on evidence from the charity, Police Care. Something has to be done. Things are happening, but the covenant is a great opportunity to pull that all together.

**The Chair:** Chief Superintendent.

**Chief Superintendent Griffiths:** Picking up on mental health and trauma impacts across the police service, we are also starting to see police charities supporting these

areas. There has been a 36% increase in inquiries to the police charities compared with the previous year, the vast majority of which are mental health concerns. There is clear evidence of the impact of trauma on police officers and staff. We recognise that everybody will experience some trauma in their life, but the exposure for police officers is quite significant.

We then have to look at what is the best thing that we can do. There is a whole array of things that we can do: providing appropriate space for debrief, increasing communication, and occupational health support. There is a whole catalogue of things, but I would class those as probably falling under what I would describe as the programme management, rather than any legislative concerns.

There are two matters I would like to raise on the police covenant. The first is the important role of independence within the processes, so that we get an independent view. Our employment rights are restricted—naturally so, we would not contest them, because of the nature of our role and responsibility in society—but measures that can be put into place to provide independent support, guidance and oversight are really important, so I stress the importance of independence in the system.

I would also like to raise the issue of mental health concerns and seeking the police covenant as a way through helping and supporting. Unlike the Police Federation, the Superintendents' Association goes beyond the 43 Home Office forces. We support other police forces, including British Transport Police and Civil Nuclear Constabulary, which at the moment are not directly covered by this legislation. I would like to emphasise the importance of the whole police family and make a plea to consider as part of the legislation those wider non-Home Office forces that play an integral part in UK policing.

**Q44 Sarah Jones:** It is lovely to see you both. It is a measure of the maturity of both your organisations that you have a good working relationship with Government and the Opposition, and we will all try to make this piece of legislation better.

You have just made exactly the point that I was going to ask you about, on the importance of the police family and the wider family as part of the police covenant. Can I push you both a bit on the notion of independence from the Government when we are looking at the covenant? What could that look like? Would there be a benefit of some oversight from policing bodies, perhaps chaired independently, on the covenant report that is produced by the Home Secretary? Would you both welcome that?

**Chief Superintendent Griffiths:** It has always been my perception that a police covenant is almost the sector asking the Government for additional support or assistance, or to rule out any adverse impact on police officers, and for the Government to play their role across all other public agencies to try to level the ground and make sure everything is fair and supportive for policing.

The NPCC has employer responsibilities, which are sometimes in statute and are sometimes just its moral code for how to look after staff, so the way it is constituted in terms of how this flows is really important. My fear is that it would be left in a situation where the Government would direct the NPCC on how to support its own police officers, staff and volunteers. It is incumbent

on Parliament to consider how best to get some level of independence, in terms of the oversight, and echo the responsibly to work across Government in terms of supporting the police covenant and all officers and staff.

**John Apter:** I want to touch on something that Paul said to a previous question. It is important that the Police Federation's views are noted. This is about who the covenant actually benefits. Paul is right that we represent the Home Office forces, which are the big chunk of who the covenant legally covers, but we work incredibly closely with the non-Home Office forces, Police Scotland, the Scottish Police Federation and the Police Service of Northern Ireland. It is really important that we are all treated equally within policing. We do not want the benefits that the covenant hopefully brings to be diluted in any way for any part of policing. I completely support and echo what Paul says.

On the independence—absolutely. When we were pulling together our concept of the covenant—obviously we want it to be very far reaching, but we accept that we have to start somewhere—one of the things that I was insistent on was that it must be enshrined in law; it must mean something. It is a positive step for the Home Secretary of the day to report to Parliament on a legal framework. It is right that the Home Secretary of the day has that responsibility.

When we talk about oversight, I do not want the covenant to become wrapped up in bureaucracy and red tape. If it is, nothing will be achieved and nothing will get done. Within policing, we have some strong views about the need for it to be independent. That is not to say that the Home Secretary, the policing Minister and the Home Office have not been incredibly supportive. They have, and we could not have got this far without that support, but in order to make the covenant meaningful for our members, retired colleagues and volunteers, I think that level of independence on the oversight programme, the oversight board and the delivery board, which would then lead in to the Government, is really important. We fed back those views collectively as policing. It is not just the federation calling for this; collectively, we all believe very strongly in it.

**Q45 Sarah Jones:** Thank you for the campaigning work that you have done to get us to the point of getting the covenant actioned. It is great.

Can I ask Paul about pre-charge bail? What are your thoughts about breach of bail, which we have talked about previously? We are finding our way through that with this piece of legislation. How do you think that would work in an ideal world?

**Chief Superintendent Griffiths:** I should probably start by saying that we did voice some significant concerns in 2016 about some of the changes that were coming in and highlighted this at the time as a joint letter between the Police Federation, the Police Superintendents' Association and the National Police Chiefs' Council. We worked with the changes that Parliament instructed, and we are grateful for the recent amendments that may come through the Bill in terms of timeliness and some of the issues that have been challenging us over the last four years.

We are supportive of the vast majority of it. The one area where had some concern was on the breach of police bail, where bail conditions are imposed and then

suspects continue to breach those bails. Of course, those bail conditions would be there to protect victims or even the wider public. It could be extremely useful to us for that to be an offence in its own right. I note that there is an introduction to prevent the start of the custody clock, which was another risk that we thought may come from somebody who would consistently breach their bail, risking an impact on the investigation custody time limits for other aspects for which they were under investigation. The Bill suggests that three hours is sufficient to deal with that breach of bail, and that seems appropriate, but it could be beneficial to the police service for that to be an offence in its own right in terms of processing individuals for such breaches.

**Sarah Jones:** That is really helpful; thank you. Shall I go over to Alex? I am aware of the time.

**The Chair:** You have got time to squeeze one in.

**Q46 Alex Cunningham (Stockton North) (Lab):** How confident are you that the proposed two-tier system of cautions will be practical for police officers to apply and effective in controlling crime? What disadvantages do you see in the abolition of the simple caution?

**Chief Superintendent Griffiths:** We have not been called to provide any advice or consultation on that. Could I get back to you in writing on that one? I would probably have to do more research.

**Alex Cunningham:** That would be fine. Thank you.

**The Chair:** Do you have anything to add, Mr Apter?

**John Apter:** I am afraid I will have to give the same answer.

**The Chair:** Okay; that is fine.

**Q47 Victoria Atkins:** Thank you to you both for all the work that your organisations have done in the past 12 months and, in particular, in relation to the police covenant in the Bill, which I think is welcomed by everybody. Mr Apter, how do you propose to support chief constables to ensure that the outcomes of the covenant are felt by all officers, former officers and staff, and their families?

**John Apter:** I think we are pushing on an open door. Policing has changed significantly over the past decade or so, and it is the same with chief constables, who may previously have been reluctant to get certain wellbeing initiatives into place. There is wholesale agreement that the covenant will be a positive thing for policing.

The issue we have at the moment is that although we know the principles of the covenant, we do not really know what exactly will be in it. Chief constables know me very well, and I, on behalf of the organisation, will be holding them to account, but I genuinely think that it will be a partnership. Perhaps that is naive, but if, as expected, the legislation allows the covenant to be enshrined in law, I will be saying to chief constables very clearly, "This is not something you can cherry-pick. This is in legislation. This is to benefit our colleagues, staff, volunteers and so on. It is not a nice-to-have; it is an essential." So they will be held to account, but in fairness I think it will be a productive partnership.

**Q48 Victoria Atkins:** Thank you. Let me move on to protests, because Parliament is particularly interested in scrutinising those measures. Mr Griffiths, you mentioned

gold and silver commanders, who are in charge of the police reaction to some protests. Could you give us a little more understanding of what those roles mean, the responsibilities they have, and the training and experience that those officers will have had before they are able to become gold and silver commanders?

**Chief Superintendent Griffiths:** Most of them have probably worked their way through the hierarchy of public order command systems, from right at the frontline, following through to supervisory and management roles, but not necessarily in all cases. There is a detailed training command course for public order leads, which embodies everything that you would expect: to understand the tactics necessary when utilising public order, seeking the appropriate advice and guidance, understanding the law and the community, and all the different aspects of decision making that are so important to understand how best to corral a crowd or deal with a peaceful protest.

They will learn how to deal with everything from small, minor protests with just some shouting, to some of the challenges that, sadly, we have seen in the past 12 months, where they have faced attacks by missiles, etc. The training is detailed. I have absolute confidence in some of the public order commanders. We have to understand that they are called to make really difficult judgment calls, balancing human rights of individuals and the recognition of their own staff and the public. They make difficult decisions in a short space of time. It is a credit to them as individuals and to the training processes that allow them to do that.

**Victoria Atkins:** Thank you.

**The Chair:** Minister Philp?

**Q49 Chris Philp:** Thank you. Based on your response to Alex Cunningham's question, you may not be able to answer this, but I wanted to double check. Do you have any view on the proposals to reform out-of-court disposals, in particular to simplify the current six kinds of caution down to two kinds of caution, which has been trialled in three force areas over the past few years?

**Chief Superintendent Griffiths:** You are right to clarify that. Unfortunately, we have not been consulted on that particular aspect. If I can provide written evidence, we will explore a response and get back to you.

**Q50 Chris Philp:** Thank you. In that case, my only other question relates to the proposal to double the sentence for the assault of an emergency worker from 12 months to 24 months. Do you welcome that, and do you think it would have a deterrent effect on people who might decide to try to assault your officers in the course of their duties?

**John Apter:** Absolutely, the risk of a custodial sentence would be a meaningful deterrent, as well as everything else. As I said, it is about the training and equipment that officers and staff have. But I go back to my earlier point: the increase in sentencing will mean nothing if the sentencing guidelines do not allow the courts to use those powers effectively. Far too often, my colleagues feel that the wider criminal justice system lets them down. We need to address that, as well as increase sentences. Yes, I believe that it would be a deterrent.

**Chief Superintendent Griffiths:** It is very much welcome and supported. There is a hope that it will be a deterrent. We recognise that any sort of assault on emergency workers has a complex and dynamic number of factors that may cause that situation to arise. We must do everything in our power to eliminate or minimise every aspect of those factors. Hopefully, it will have a deterrent effect, and will send a very strong message from Parliament to emergency workers to say, “You are valued for what you do. We support you, and you should not have that sort of risk when trying to carry out your duties.” We will review the situation over time, to see what the deterrent effect is, but we are grateful for the support that Parliament proposes.

**Chris Philp:** Thank you. It may be worth you engaging with the Sentencing Council once the legislation passes, to ensure the sentencing guidelines reflect the seriousness of the offence, and that the sentences in practice reflect Parliament’s intention.

**The Chair:** Now is a good time to draw this session to a close. I thank the witnesses for their evidence this morning.

11.25 am

*The Chair adjourned the Committee without Question put (Standing Order No. 88).*

*Adjourned till this day at Two o’clock.*

