

PREM 19/1520

News Cover

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Review of the Law on Public Order

HOME AFFAIRS

PART I

MARCH 1980

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
21.1.85 30.1.85 Ends							
PREM 19/1520							

● PART 1 ends:-

Scottish Office to AB 30/1/85

PART 2 begins:-

Home Office to AB + att 12/2/85

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

1. Cmnd. 7891: Review of the Public Order Act 1936 and related legislation
HMSO, April 1980
2. "The People's Justice": a major poll of public attitudes on crime and punishment by Stephen Shaw
Prison Reform Trust, 1982 [ISBN 0 946209 00 6]
3. House of Commons Hansard, 25 March 1982,
columns 1107-1181 "Law and Order"
4. The British Crime Survey, Home Office Research Study No. 76, HMSO, January 1983 [ISBN 0 11 340786 6]

Signed

AWayland

Date

6 February 2014

PREM Records Team



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

David Barclay Esq
Private Secretary
10 Downing St
LONDON

30 January 1985

*Jobs
31/1*

Dear David,

PUBLIC ORDER REVIEW

I refer to the Home Secretary's minute of 15 January to the Prime Minister on this matter. There are differences between the existing Scottish legislation and common law position in Scotland and those in England. My Secretary of State is therefore at present considering what the implications for Scotland are of the Home Secretary's proposals and will be minuting to the Prime Minister in due course.

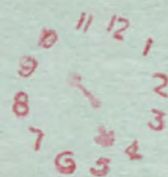
Attached

I am copying this letter to Hugh Taylor, Len Appleyard and Richard Hatfield.

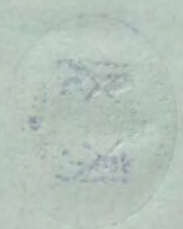
*Yours sincerely
Eddie Gowans*

E S GOWANS
Private Secretary

1
151 JAN 1985



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POSTAL OFFICE



SL3AAG

c Mr Booth

CL MATTER SET



10 DOWNING STREET

29 January 1985

From the Private Secretary

PUBLIC ORDER REVIEW

The Home Secretary came to see the Prime Minister this morning to discuss his review of public order. His conclusions had been summarised in his minute to the Prime Minister of 15 January. The Prime Minister had also seen the Foreign Secretary's minute of 24 January. Mr Booth of the No 10 Policy Unit was present at the meeting.

The Home Secretary recalled that the Review of Public Order had been established some time ago. Its progress had been held up for various good reasons, but he had announced its completion at the end of last year. The Review was of legislation - in the light of the miners dispute, there would also be a series of examinations of other issues such as enforcement and use of intelligence.

The overall picture to emerge from the Review was that there were no yawning gaps in present legislation, although there was scope for several significant improvements. The aim of these would be to give practical help to the police. Some critics would say that the Government was not going far enough, but more would probably take the opposite view. Overall, the Home Secretary's proposals would amount to a substantial toughening of the existing law.

The Prime Minister enquired how the proposals would affect picketing. The Home Secretary said that three things would change. First, the existing offence under Section 7 of the Conspiracy and Protection of Property Act, 1875 would be made arrestable, and the penalties increased. Secondly, the police power to disperse static demonstrations would be put on a statutory basis; and thirdly the police would be given a power to impose conditions on static demonstrations which could include conditions as to numbers. The Chief Constables involved in the Review had been clear that these were the changes they needed. It was crucial to avoid legal constraints on demonstrations which the police would be unable to enforce.

The discussion then turned to the possible extension to broadcasting of the offence of incitement to racial hatred. The Prime Minister said that she saw no reason in principle

why the broadcasting authorities, and in particular the BBC, should be "above the law". There was no doubt that irresponsible broadcasting could inflict serious damage, on individuals, and on our national interests. The Home Secretary said that he recognised this concern. Nonetheless, there would be bitter opposition to any extension of this part of the criminal law to broadcasting, and he wondered whether it would be wise politically to take on the broadcasting lobby in addition to dealing with public order. After further discussion, the Prime Minister was inclined to agree with the Home Secretary's conclusion that the offence of incitement to racial hatred should not be extended to the broadcasting authorities themselves, although the Home Secretary should consider further whether it might be extended to individuals who made statements which were broadcast.

Turning to questions of handling and timing, the Home Secretary said that he had put in a bid for a place in the 1985/86 legislative programme for a Bill on Public Order, although this bid had not yet been accepted. The Prime Minister commented that the need for legislation arose directly from the events of 1984 and the Government would be regarded as negligent if it took no action at the first opportunity. In order to achieve legislation in 1985/86, the Home Secretary proposed that he should circulate a paper to H Committee with a view to publishing a White Paper which could be debated in the House between Easter and Whitsun. The Prime Minister endorsed this course of action, adding that the paper for H Committee should not be circulated until it was clear whether current talks would bring about an end to the coal dispute. If the strike persisted, the Home Secretary should consult the Prime Minister again in two to three weeks time before deciding whether to circulate his paper.

David Barclay

Hugh Taylor, Esq.,
Home Office

PRIME MINISTER

PUBLIC ORDER REVIEW

The main points to raise with the Home Secretary are:

Enforcement

? Water cannon rather than tear gas

Control of Static Demonstrations (including picketing)

? Advance notice

? Police power to ban

Statutory Power to Disperse

? Non legislative solution

Incitement to Racial Hatred

? Extension to broadcasting

Handling and Timing

You will recall the Policy Unit note at Flag B, which was prepared by Hartley Booth. Would you like him to attend the meeting?

Yes please and

Dub

*No of advance 5 yrs .
Plan - medical check
for minimum of
charge*



l agree with the
F-8 as indicated
not

CF: ppc return with
pps for tomorrow's meeting
Dms
28/1
Prime Minister (4)

To see - especially paras 5 and 6.

PM/85/8

PRIME MINISTER

You are due to have a first
discussion of the Review, with the
Home Secretary only, on Tuesday.

Public Order Review

1. The Home Secretary minuted to you on 15 January about the Public Order Review. Several aspects of this exercise have implications for our foreign policy. I have already discussed the most important of these with the Home Secretary.

2. I welcome the general thrust of the Home Secretary's recommendations, in particular to give more powers to the Police in relation to processions and static demonstrations. I agree that legislation will be controversial, but I believe the Government should not shy away from it.

3. Although I am concerned about our responsibility to safeguard Embassies, I agree that it is better not to make a special reference to them. As in the case of picketing they can be covered by the general rules. The Home Secretary has assured me that the added Police powers he envisages would enable the latter to take into consideration possible disruption of the work of Embassies and Consulates, which should enable the Police to contain the sort of demonstrations which might cause the most resentment.

4. I would have liked the proposed new powers in relation to static demonstrations to include the power to ban such demonstrations and a requirement to give prior notification. I believe it will be difficult for the Police to impose conditions effectively if they only find out about demonstrations at the last minute. But I accept that what



is proposed on static demonstrations is a step forward, and that Police views on what powers are possible or desirable for them to exercise must carry weight.

5. As indicated in sub-paragraph (c) of paragraph 6 of the Home Secretary's minute, we approach the question of controlling demonstrations, which have important implications for our national interests overseas, from different viewpoints. I understand the traditional libertarian arguments, but I have been struck recently by the problem of demonstrations sponsored primarily by immigrant groups in this country on political issues arising not at home but abroad, for example the Sikh marches. I would have liked to see the Government, through the Home Office, invested with powers to take into consideration not only questions of law and order in the UK, but also the implications for our major political and commercial interests overseas, including the safety of British subjects, in deciding whether to ban or control processions and demonstrations. I accept that this would involve difficult political decisions. But that in itself would be no argument against the change, if it was otherwise desirable. The one argument that causes me to pause is that the availability of the power might increase the risk of blackmail attempts by overseas Governments on the basis that if we did not ban a certain march they might take over British property etc: we should, in other words, be making a stick for our own back. For the moment at least, I am just persuaded by this point. But we may well need to revert to it in the future.

6. I was puzzled by the Home Secretary's decision to continue to make broadcasting an exception for statements which would give rise to the offence of incitement to racial hatred (paragraph 6(h)). Despite the control supposed to be exercised by the broadcasting authorities the exception seems illogical. Whether or not they constituted "real abuse" Dr Chauhan's

/statements



statements on BBC Radio 4 last June created greatly increased
tension not only in our relations with India, but among
communities in this country. The domestic element in this
question is of course preponderant, but I hope the Home
Secretary might think again on this point.

7. I am sending copies of this minute to Leon Brittan,
George Younger and Sir Robert Armstrong.

A handwritten signature in blue ink, appearing to be 'G. Howe', written in a cursive style.

(GEOFFREY HOWE)

Foreign and Commonwealth Office
24 January 1985

HOME Affairs : Review on
Public Order : March 1980

24 JAN 1985





10 DOWNING STREET

Capline

PUBLIC ORDER REVIEW

Could you please fix a
time for the Home Sec
on his own - $\frac{3}{4}$ hour
to 1 hour, in the next
week to ten days?

CR.

930
TUE 29 JAN 21/1 ^{Sub}

CR

21/1

D. R.

Prime Minister

Agree to discuss these issues, and the
Review itself, with the Home Secretary?
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PRIME MINISTER

18 January 1985

sub
18/1

Yes

PUBLIC ORDER REVIEW

This is a workmanlike analysis and advances sound recommendations, only one of which you might seriously query. Our opponents will misrepresent it as an attack on basic freedoms. It is not; nor is it merely reactive to current events, as it embodies the law Commissions proposals on the offences of riot, unlawful assembly and affray.

1. The Enforcement Question

There is a political danger that the review will be presented with an apparent achilles heel. On page 5 of the Home Secretary's note he states:

"The disorder during the miners' dispute has revealed difficulties of enforcement rather than major deficiencies in the law."

Despite this observation, the report deals entirely with the deficiencies in the law. I have taken this up with the Home Office. They assert that this is solely a review of the law and that enforcement is also being considered. This they accept should be made clear. It is not, however, clear how, and to what extent, the nettle of enforcement is being grasped.

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- 2 -

We recommend you repeat your urgent request that some conclusion on the question of enforcement be reached as soon as possible. The use of new computer technology has apparently be^v taken on board. There is inexplicable resistance to water cannon which is the most harmless of the crowd dispersal devices and a strange acceptance of tear gas which involves police wearing space-age masks which look so unpleasant on television.

If we have not thought out what, if any, enforcement measures we will countenance, the imposition of "conditions" on static demonstrations and possessions will be seen as a nonsense.

2. The Legal Problem

You will see at the top of page 6 of the Home Secretary's note the following sentence:

"Their (the police) common law power to disperse an unlawful assembly is not widely known or understood."

The heart of our opponents attack will, I believe, focus on the power to disperse and the conditions to be imposed by the police for processions and static demonstrations. The latter is merely an extension of the 1936 Public Order Act and the public will see the need for it. The power to disperse is perceived differently. This power already exists, it is merely misunderstood and the police feel uncertain about it.

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CONFIDENTIAL

- 3 -

Instead of fighting an unnecessary legislative battle over a power, which already exists, all other ways of getting the present law known and used must be preferable:

- (a) getting better instruction in police colleges;
- (b) making a clear statement through the Home Secretary and/or the Attorney General;
- (c) issuing a Home Office circular to relevant authorities.

Having discussed this with the draftsmen of the report, which the Home Secretary's note covers, I am not satisfied that this avenue has been explored.

We recommend that a non-legislative solution be explored to the question of crowd dispersal.

H. Booth

HARTLEY BOOTH

CONFIDENTIAL



CC No

PRIME MINISTER

PUBLIC ORDER REVIEW

I have now completed my review of public order law, and I am writing to report to you my main conclusions. I have not yet been able to discuss these with George Younger and Kenneth Cameron, but our officials have been in consultation. The Public Order Act 1936 applies to Scotland as well as to England and Wales, and the application of my proposals to Scotland will require further consideration. The Scottish Law Commission is still working on proposals which will have a bearing on that.

2. The proposals which I put forward form a substantial package of changes to the present law which will be highly controversial. If we decide to go ahead with legislation on these lines there will be difficult questions of timing and handling to be considered, although normally the first step would, of course, be the consideration of these proposals by our colleagues. It is known that we have fulfilled our commitment to complete this review by the end of 1984, and we cannot postpone the announcement of our conclusions for very long. But they need to be carefully presented in the current climate, with an indication of the timing of any legislation. I return to this issue at the end of this minute, after describing my conclusions.

3. The review has taken account of the response to our April 1980 Green Paper on the Public Order Act 1936 and related legislation, the August 1980 report on the same subject by the Select Committee for Home Affairs and the Law Commission's proposals published in October 1983 for the codification of the common law public order offences. I have also taken particular note of the lessons to be learned from recent instances of major public disorder, the NGA dispute at Warrington, demonstrations at Greenham Common, and disorder during the current miners' dispute.

*Walsby &
Basel
Prisenthal*

4. My officials have discussed certain of the proposals with selected Chief Constables and with officials from the DPP's Department and the Department of Employment. My concern throughout has been to construct a package which makes sense in policing terms. The police have made it very clear that they do not want some of the major changes in this area of the law which have been canvassed; and I would not want to confer upon them new powers which are likely to be unenforceable. As I see it, our central aim should be to fill the genuine gaps in the law in a way which provides all the necessary powers without creating obligations and expectations which cannot be met.

5. The review has shown that there is no yawning gap in existing powers, but that there are many important points where the law could helpfully be extended and clarified, particularly in relation to the control of static demonstrations, which include both pickets and demonstrations outside embassies, and where existing common law powers could and should be translated into statutory form. In particular I propose that chief police officers should be given new powers to set conditions for the conduct of processions (paragraph (b) below) and demonstrations (paragraph (d)). These are the most politically controversial proposals in the review.

6. My conclusions are set out in greater detail in the attached note. But I would draw particularly to your attention the following points:-

(a) Advance Notice of Processions

In order to enable the police to exercise their powers more effectively, I propose to introduce a requirement that all organisers of marches or processions must give advance notice to the police. (I do not consider it practicable to extend this provision to static demonstrations).

(b) Conditions on Processions

At present the sole test in section 3(1) of the Public Order Act 1936 which can justify the police imposing conditions on a march or procession is the risk of serious public disorder. To this I propose to add the further test of the risk of serious disruption to the life of the local community, including the coercion of individuals and serious damage to property. This should considerably strengthen the ability of the police to impose conditions on marches which threaten to be seriously disruptive, or whose real purpose is to intimidate rather than to persuade. I propose at the same time to grant the organisers of a procession a right of appeal in the local magistrates' court against any police conditions which they regard as unreasonable.

(c) Bans on Processions

I believe the sole test justifying a ban should remain the risk of serious public disorder in this country, and that it should not be extended to cover the national interest or the risk of disorder overseas. I have discussed this with Geoffrey Howe and my conclusion is that to import other considerations, especially of a diplomatic nature or related to possible consequences overseas, would not be right in principle and would not have the desired effect. It would take the test out of the hands of the police, since they would in practice have to act on the views of Ministers on such questions, and would lay us wide open to blackmail from other countries who might not be too scrupulous in threatening, or even stimulating, attacks on British citizens overseas as a means of bringing

pressure to bear on us to ban marches (or demonstrations) here. I think that would give us more problems than we have now, quite apart from the difficult questions of principle involved. The test should in my judgment be related to the risk of serious public disorder in this country. The police are responsible for maintaining public order and are the best judges of what they can or cannot keep under control.

(d) Static Demonstrations

At present the police powers under the Public Order Act are restricted to marches or processions. I propose to extend these powers to static demonstrations, to enable the police to impose conditions in relation to the place, numbers and duration of any demonstration if they anticipate a risk of any serious public disorder, serious disruption to the life of the local community (which would include an embassy), the coercion of individuals (which would include embassy staff) or serious damage to property, I would stop short at giving the police the power to ban a demonstration as they can (with my approval) in the case of a march. I believe that meetings and assemblies represent a more important means of genuinely exercising freedom of speech than do marches; and the police do not favour a power to ban. Nor do the police want or need a requirement of advance notice of static demonstrations in order to impose conditions. That would burden them unnecessarily with large numbers of notifications of perfectly peaceful meetings. They consider that they will get to know anyway in advance of the relatively small number of demonstrations where there is a risk of trouble and on which they would wish to impose some conditions.

The power to impose conditions in relation to place, numbers and duration of any static demonstration taking place in the open, using the tests I have described, would give the police all the powers they need to control static demonstrations. There would be the same right of appeal to the courts as I propose for marches.

(e) Picketing

Picketing is a form of static demonstration, and the new powers to impose conditions would apply equally to pickets. I have considered very carefully whether we should carry over into the criminal law the restrictions and guidance on picketing for civil law purposes (e.g. limiting the number of pickets to six). My conclusion is that the existing law, with the additional package of measures which I now propose, will give the police all the powers which will be of practical use to them. The police themselves feel this strongly. The disorder during the miners' dispute has revealed difficulties of enforcement rather than major deficiencies in the law. However, section 7 of the Conspiracy and Protection of Property Act 1875 has proved useful in dealing with intimidation at and away from the picket line during the present dispute and to make it more effective I propose that it should carry a power of arrest and an increased penalty of six months' imprisonment or a fine of £2,000, compared with the present three months' imprisonment or a fine of £100.

(f) A Statutory Power to Disperse

I propose to leave the police with their existing powers at common law to deal with or prevent a breach of the peace, to which they and I attach considerable importance.

The police have suggested, however, that their common law power to disperse an unlawful assembly is not widely known or understood. I therefore propose to give them a statutory power to order demonstrators who had become disorderly to disperse, with a related summary offence to catch those demonstrators who remained after such an order had been given.

(g) Revision and Codification of Common Law Offences

Subject to certain amendments which are necessary to sort out the overlap between the Law Commission's proposals and section 5 of the Public Order Act 1936, which was outside their remit, I propose to accept their recommendations for the revision and codification of the common law offences of riot, unlawful assembly and affray. These changes will not significantly affect the overall scope of the criminal law. But they will give prosecutors greater flexibility over the mode of trial, and introduce statutory maximum penalties. By enabling most of these offences in less serious cases to be tried in a magistrates' court, it will be possible to proceed more swiftly against public order offenders.

(h) Incitement to Racial Hatred

I should like to propose some changes to tighten up the definition of this offence; but I have come down on balance against extending it to broadcasting.

HANDLING

7. I return to the difficult question of how best to handle this major political issue. I shall need to discuss first with George Younger and then to consult other colleagues concerned,

with a view to publishing our conclusions. Given the extensive consultations which have already taken place on our Green Paper in 1980, and the further publications by the Select Committee and the Law Commission, I see no need for another Green Paper or widespread consultation. The next step could be a White Paper, which would no doubt elicit comment and provide the opportunity for a Parliamentary debate.

8. Before deciding on the content and timing of that White Paper, however, we must decide whether we wish to introduce legislation and, if so, when. I have entered a provisional bid for a Public Order Bill as a marker for next session. If we do not legislate then, the new powers could not be enforced until late 1987 at the earliest. It might be feasible to legislate first for England and Wales. If we do decide to legislate in 1985/86, it will be necessary to publish the White Paper in the spring.

9. The issues raised obviously have far-reaching political implications and I would welcome an opportunity to discuss these with you before proceeding any further.

10. I am sending copies of this minute to Geoffrey Howe, George Younger and Sir Robert Armstrong only at this stage.

L. B.

15 January 1985

REVIEW OF PUBLIC ORDERCONCLUSIONS AND RECOMMENDATIONSGeneral Questions About the Law

1. The review has concluded that there is a continuing need for the Public Order Act 1936, which enables conditions or a ban to be imposed on public processions, with penalties for non-compliance, and which prohibits offensive conduct conducive to breaches of the peace, including offences of incitement to racial hatred. As now, there should be no statutory right to demonstrate, and the merits of decisions made by the Secretary of State in consenting to an order banning a procession under section 3 of the 1936 Act should continue not to be subject to appeal in the courts.

2. The review went on to consider whether the powers under the 1936 Act in relation to processions should be changed, and whether they should be applied to static demonstrations, including pickets. Finally, it considered what changes should be made to the law prohibiting offensive conduct.

Powers in Relation to Processions

3. The powers to prohibit processions, under section 3 of the 1936 Act, should remain unchanged and the basic test on which the power should be exercised should continue to be the apprehension by a chief officer of police of serious public disorder. In relation to the powers to impose conditions, the basic test should continue to be the same test of serious public disorder, but to that test should be added alternative tests of the apprehension by him of serious disruption to the life of the local community, including coercion of individuals, or of serious damage to property. These proposed extensions would enable the police to deal with cases which arise where intimidation or damage can take place without creating serious public disorder.

4. The review also considered whether to reduce the test of serious public disorder to merely one of public disorder. The present power has been used sparingly, and a lowering of the stringency of the test might enable the powers to be used more widely and more flexibly, at least in imposing conditions on a procession rather than a ban. The conclusion was, however, that it was better to extend the tests as proposed in paragraph 3 rather than to reduce the level of the public disorder test itself.

5. It seems unnecessary and undesirable, given the width of the proposed extensions under paragraph 3, to take additional powers to ban political marches per se or to ban marches on the ground that the views to be expressed are offensive or likely to incite racial hatred, or that the local police were unable to control a march from their own resources. A power to ban a march altogether on these grounds would be uncertain and difficult to apply and would tip the balance too far against freedom of speech.

6. Demonstrators should not in general be obliged to pay towards the cost of policing their own marches or demonstrations. Although this idea has considerable attractions at first sight, detailed examination has shown that there would be considerable practical difficulties in devising such a scheme which could be operated by the police for charging and recovering such costs without fettering their essential flexibility to deploy the number of officers which they considered necessary. Further consideration might be given, however, to the possibility of an exceptional provision enabling the police authority to recover compensation through the courts from the organisers of a demonstration in cases where conditions had been breached.

7. The power to make banning orders should continue to be wide enough to enable all processions to be banned in an area for a specified period. But there should also be a provision in section 3 for the making of an order prohibiting a single procession, so that particular marches could be singled out and the innocent did not inevitably suffer with the guilty. This will prevent the manipulation of the present system whereby one group can effectively stop another one from marching, even though the latter march might well have been peaceful, by the

expedient of indicating an intention to march themselves at the same time, with a threat of serious public disorder, so that they get themselves banned under a "blanket" order, which is all that can be imposed now.

8. A new requirement should be introduced, obliging anyone who wants to hold a procession to give advance notice to the police of that intention. This new power would consolidate and give general application to some existing local Act provisions, which could consequently be repealed. Failure to comply with this requirement would be an offence, with appropriate penalties.

9. It should also be a specific offence knowingly to participate in a prohibited procession, with appropriate penalties.

10. The existing procedural arrangements for making a banning order should remain unchanged, and the initiative for applying for bans and conditions should continue to be the responsibility of the chief officer of police and should not be given to local authorities.

11. Section 3(1) should be amended to make it clear that the senior police officer present at a procession may issue directions under the section, to provide that the power of the Commissioner of Police of the Metropolis under the section is capable of delegation to an Assistant Commissioner; and that the same power of a Chief Constable is capable of delegation to Assistant Chief Constables.

Static Demonstrations and Meetings (Including Picketing)

12. In general, static demonstrations in the open air, but not those in closed premises, should be brought within the scope of the controls available under section 3 to impose conditions (e.g. as to place, duration and numbers), but not to ban them or to require advance notice of them. Meetings and assemblies are a more important means of exercising freedom of speech than are marches, and the police do not favour a power to ban them. A requirement for advance notice would produce much unnecessary work for the police to little purpose: they envisage no problem without it in getting to know of and impose conditions on demonstrations which are likely to cause disorder.

13. The police's power to impose conditions on static demonstrations should not be subject to the consent of the local authority, a court or a Minister, and should be exercisable either in advance of the demonstration or, if necessary, on the spot at the time. If the chief officer is informed in sufficient time of the organiser's intention to hold a demonstration, he should impose any conditions he considered reasonable no later than seven days before the demonstration, and the organisers should have a right of appeal to the magistrates against the imposition of the conditions. The chief officer would still be able to impose conditions subsequently on the demonstration but, if challenged, he would be required to show that the circumstances had changed materially in the intervening period since the appeal hearing. The police would remain free to impose conditions on the spot and to exercise whatever powers were necessary to maintain order at the demonstration.

14. The police should be given a specific statutory power to order an assembly to disperse, and there should be a related summary offence of non-compliance with such an order, with appropriate penalties.

15. These extensions of the statutory law would apply equally to picketing, which need not and should not attract any special powers in its own right. However, it is worth noting that during the miners' dispute increasing use has been made of section 7 of the Conspiracy and Protection of Property Act 1875 which makes inter alia the following acts criminal if they are done with a view to compelling any person from doing any act which that person has a legal right to do (such as going to work):

- (i) using violence to or intimidating that person or his wife or children, or injuring his property;
- (ii) persistently following that person about from place to place;
- (iii) watching or besetting his house, or place of work, or the approach to such house or place, or wherever the person happens to be.

For the most part the provision has been used in dealing with intimidation away from the picket line (in particular the 'besetting' of people's homes);

but in Nottinghamshire it has been used for offences on the picket line. In fact, the section covers much of the ground that has been the cause of concern, as it makes clear that anyone who participates in or organises a picket, the purpose of which is to prevent people from going to their workplace, is guilty of a criminal offence. In the case of organisers, the inevitable evidential problem of proving the necessary intent is bound to be a considerable one; but, nonetheless, this section provides a way of dealing with intimidatory picketing. A weakness of the provision as it stands is that it is not an arrestable offence and that the maximum penalty is three months' imprisonment or a fine of £100. It should therefore be made an arrestable offence; and the maximum penalty should be increased to six months' imprisonment or a fine of £2,000.

16. The police's existing common law powers to maintain order should not be codified but should be retained in their present form, so as to give the police the necessary flexibility to control new and unforeseen situations.

Public Order Offences

17. The Law Commission's proposals to revise and codify the common law offences relating to public order should be adopted, subject to certain amendments which are necessary to sort out the overlap between the Law Commission's proposals and section 5 of the Public Order Act 1936. The new range of statutory public order offences will be:

- (a) Riot. 12 or more people, using or threatening unlawful violence for a common purpose so as to cause fear: each person using unlawful violence will be guilty of riot.
- (b) Violent Disorder. Three or more people using or threatening unlawful violence so that their conduct taken together causes fear: each person using or threatening unlawful violence will be guilty of violent disorder.
- (c) Affray. Two or more people using or threatening unlawful violence against each other, or one or more using it against another so as to cause fear.

(d) Threatening Behaviour. Using threatening, abusive or insulting words or behaviour which is intended or likely:

- (i) to cause another person to fear unlawful violence;
- (ii) to provoke the use of unlawful violence by another.

(section 5 of the Public Order Act, as amended).

18. All these offences will be capable of being committed in a public or private place but, in the case of (d), private dwellings will be excluded. Unlawful violence covers violence to persons or property. The test of causing fear is hypothetical ("such as would cause a person of reasonable firmness if present at the scene to fear for his personal safety"). Riot will be indictable only. Violent disorder and affray will be triable either way; section 5 (as amended) will remain a summary offence. The maximum penalty for riot will be 10 years; for violent disorder five years; for affray three years; and for section 5, six months or £2,000. The lesser offences will be available as alternative verdicts to those higher up the scale.

19. Overall, the scope of the criminal law will not be altered, save that certain cases of public nuisance currently charged under section 5 will no longer be criminal under that section as amended. Consequently there should in addition be a proposal for a new public nuisance offence of disorderly conduct, to cover rowdy disturbance to local residents or passers-by, without contravening the amended section 5 because it does not actually cause fear of or provoke unlawful violence. The sort of conduct which this might cover would be loud shouting or singing late at night in a residential area, or young people disturbing elderly residents by banging on their doors or making a nuisance of themselves to a queue of elderly people waiting to enter a bingo hall. This would be a summary offence with a maximum penalty of a fine of £100.

20. If necessary the police might be given a preventive power to seize articles which are intended to be used in the commission of riot or violent disorder.

Incitement to Racial Hatred

21. There should be a new offence of possessing racially inflammatory material with a view to its publication or distribution. This would make the offence of incitement to racial hatred more effective against those who manufacture or supply racially inflammatory material. At present it is difficult to prosecute such people unless a specific instance of distribution can be proved.

22. There should be a power of search, seizure and forfeiture in respect of offending material. This is a necessary adjunct to the proposed new offence of possessing racially inflammatory material.

23. The definition of 'publish' and 'distribute' in sub-section 5A(6) should be amended to remove the exemption for circulation of material to members of an association. Members of even a racist association may be incited to racial hatred, and the proposed redefinition would close a loophole in the present offence.

24. The offence of incitement to racial hatred should be extended from the publication of material or conduct which is likely to stir up racial hatred to publication or conduct which is intended to do so. The strictness of the present test makes it unnecessarily difficult to prove an offence where clearly inflammatory material is circulated but because of its restricted circulation (e.g. to clergymen or M.Ps) is unlikely to incite the recipients to racial hatred, although it is intended to do so. The proposed extension would enable distributors of such material to be prosecuted and would make the offence similar in form to the main section 5 offence of conduct intended or likely to provoke a breach of the peace.

25. The offence of incitement to racial hatred should not be extended to include material used in a broadcast. The Select Committee's recommendation in favour of that extension was based on apprehension for the future rather than on any examples of proven abuse. In the absence of any real abuse, the disadvantages of trying to bring the criminal law into this area seem to outweigh the hypothetical gain. The White Paper will, however, need to present the arguments in full.

Home Affairs : Review of Law on Public Order

3/80

15 JAN 1985

123456789012

PRIME MINISTER

11 December 1984

HOME OFFICE REPORT ON PUBLIC ORDER

Earlier in the Autumn this report was promised by the end of the year. It is probable that you will receive a draft of this report just before or just after the end of the year. I have spoken to officials at the Home Office who have provided me with the following bulletin of progress.

As predicted, the Home Office are unlikely to find any major gap in the current criminal law armoury covering public order offences. Moreover, they positively wish to protect those areas where the common law has still not been restricted by legislative codification.

Three principal points will probably emerge from the Home Office report:

- (1) The police should be given additional powers to control static demonstrations including picketing.
- (2) There should be a revision of offences along the lines envisaged by the Law Commission Report with certain improvements. This will provide for a series of offences from riot down to an offence of Sober and Disorderly Conduct.

- (3) The report will also deal with consequential areas, such as the protection of Embassies and the recovery of costs.

There will be a battery of relatively small provisions suggested. At the moment, the Home Office is uncertain how to handle the results of these recommendations. It has not consulted the Scottish and Welsh authorities.

Home Office has finished receiving evidence and is now drafting the report. It envisages a White Paper in the Spring.

Hartley Booth

HARTLEY BOOTH

1. MR. BUTLER ¹⁶⁰³
2. PRIME MINISTER

PUBLIC ORDER REVIEW

You asked this morning about the state of the Public Order Review by the Home Secretary as compared with what you said in the Guildhall speech. Below are the actual words you used:

"By the end of this year the Home Secretary will have completed his review of the whole question of public order including the Act of 1936 which has stood largely unchanged since that time."

This is in fact literally true. The Home Secretary is now considering parts of the review and is holding three or four meetings a week to discuss particular aspects. The completed review will be in his hands by Christmas. He is understandably anxious to get the main issues sorted out with his main colleagues within the Home Office and the Scottish Office at least before minuting you, and I think this is right. He has, however, undertaken to take your views at the earliest possible stage. More generally, the Government will need to ensure that the main law and order agencies - particularly the police - are on side before publishing the review. Nothing would be worse than to have spokesmen for the Police Federation rubbishing the recommendations before the ink was dry.

All this means that the timetable is longer than I think you anticipated this morning. But I do not think that this breaches the undertaking which you gave in your Guildhall speech. Indeed I understand from Robin that the caveat about

W. B.

later publication was made when the Home Office advised the use of the form of words in the speech. On this basis are you content to let the Home Secretary get on with this for the moment with a view to the earliest possible reference to you in the New Year?

Yes
no

DF

10 December 1984

Prime Minister ②

This substantiates your statement that the Act is
"substantially unchanged".

RF 15/11

②

PRIME MINISTER

15 November 1984

PUBLIC ORDER ACT, 1936, SECTION 5 - text attached.

This Act has been amended.

Section 7 of the Race Relations Act, 1965 added a sub-
clause without changing the original sections.

The Race Relations Act, 1976 inserted more clauses, again
without changing the original.

This Act has been reviewed [(1980), Cmnd 7891; and
Commons Home Affairs Committee (1979-1980), H/C 756-I.]

The Home Affairs Committee in their 1980 Report, Page 30,
were persuaded by the fact that the Police regarded Section 5
of the Public Order Act, together with Section 1 of the Police
Act, 1964, as essential to their preserving order at public
demonstrations. They regarded this offence as an essential
power. They suggested no change in the law. The Law
Commission makes new proposals to strengthen the law against
threatening behaviour; where substantially, the only change
would be that the phrase "breach of the peace" would be
substituted by the word "violence". (Page 8, Law Commission
Report, 24 October 1983.) The Public Order Review of the Home
Office should include this matter.

H. Booth

HARTLEY BOOTH

CONFIDENTIAL

- 2 -

Any person who, in any public place or at any public meeting, uses threatening, abusive or insulting words of behaviour with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasion shall be guilty of offence.



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

pa
Dus
14/9

12 September 1984

Prime Minister (2)

Disappointing.

Dus
13/9

Dear Janet,

The Home Secretary feels that Lord Whitelaw should be aware in advance of the forthcoming publication of the figures on recorded crime for the second quarter of 1984. They may attract some attention from the Opposition and the media.

I enclose a copy of the Home Office Statistical Bulletin which will be published on Friday. As you will see, it shows an increase in recorded crime of seven per cent over the corresponding quarter of last year. This increase is of broadly the same magnitude as occurred during the first quarter of 1984 and is, of course, unwelcome. You will see that we have sought to set the quarterly figures in context by drawing attention to the more reliable year on year figure which shows a smaller increase, of 2½ per cent.

Particular attention is likely to be paid to these figures because they cover the first three months of the miners' dispute. Commentators may seek to ascribe the rise in reported crime to the violence of the dispute or to increased criminal activity in areas in which the police have been directed away from their normal duties. Our analysis of the detailed figures shows that they provide no support for this claim and the Bulletin refers to this conclusion.

The Home Office Press Office will, of course, be providing more detailed briefing on these points in the normal way.

I am sending a copy of this letter to Tim Flesher and to the Paymaster General's Office.

Yours,
Nigel

N A PANILING

Miss J Lewis-Jones



HOME OFFICE

statistical bulletin

Statistical Department Tolworth Tower, Surbiton, Surrey KT6 7DS

Issue 21/84
£1.50 net**14 September 1984**NOTIFIABLE OFFENCES RECORDED BY THE POLICE IN ENGLAND AND WALES -
SECOND QUARTER 1984

1. Statistics of notifiable offences recorded by the police provide a measure of the amount of crime with which the police are faced. For a variety of reasons many offences are either not reported to the police or not recorded by them and so changes in the number of offences recorded do not necessarily provide an accurate reflection of changes in the amount of crime committed.
2. Police recorded 7 per cent more offences in the second quarter of 1984 than in the second quarter of 1983. This compares with an increase of 5 per cent in the first quarter of 1984 when set against the first quarter of 1983. These figures include the very small number of notifiable offences recorded in connection with the miners' industrial action but the aggregate figures have not been materially affected; nor can any other consequence of the industrial action be identified from these figures. There is considerable quarterly variation in the number of offences recorded and a more stable basis from which to assess the latest changes is provided by comparisons of figures for the two most recent twelve month periods (Table 4).
3. Comparing the twelve months to the end of the second quarter of 1984 with the previous twelve months there was an increase of about 2½ per cent in the total number of offences recorded (Table 4). Within this total there were increases of 4 per cent or more for offences of violence against the person, robbery, burglary in dwellings and criminal damage, and small falls in the recorded number of sexual offences, some thefts and fraud and forgery. Evidence from the British Crime Survey indicates that thefts of motor vehicles are nearly always reported to, and recorded by, the police and so provide a reliable indicator of trends in the number of such offences committed. There were 4 per cent fewer of these offences recorded in the last twelve month period than in the previous one (Table 4).

NOTES

1. The coverage of this bulletin is broadly the same as that of the previous series 'indictable offences recorded by the police'. However, from 1 January 1983 offences of 'gross indecency with a child' and 'trafficking in controlled drugs' have been included. More details of this series can be found in Chapter 2 and Appendix 2 of "Criminal Statistics, England and Wales, 1982" (Cmd 9048).
2. Evidence of increases over time in the extent of recording of domestic burglary was provided by the results of the General Household Survey published in June 1982 in Home Office Statistical Bulletin 11/82. Evidence of under-recording of a number of different offences is provided by the results of "The British Crime Survey", Home Office Research Study No 76 (HMSO February 1983). A comparison of the figures of recorded crime with the results of the British Crime Survey is included in Chapter 2 of Criminal Statistics, 1982.
3. Previous bulletins in this series have included figures for earlier years; issues containing annual figures include 5/84 (for 1983), 3/83 (for 1982), 4/82 (for 1981) and 5/81 (for 1980). Figures for the previous ten years are included in Chapter 2 of Criminal Statistics each year.
4. Press enquiries should be made to the Home Office Press Office, 50 Queen Anne's Gate, London SW1H 9AT, telephone 01-213 4050. Enquiries about the figures in this bulletin should be addressed to Statistical Department, Home Office, 50 Queen Anne's Gate, London SW1H 9AT, telephone 01-213 3289.

Table 1 Notifiable offences recorded by the police by offence group

England and Wales					Number of offences (thousands)							
Offence group	1980	1981	1982	1983	1982		1983		1984			
					3rd quarter	4th quarter	1st quarter	2nd quarter	3rd quarter	4th quarter	1st quarter	2nd quarter
Violence against the person	97.2	100.2	108.7	111.3	29.0	27.8	23.6	28.3	30.6	28.8	24.9	28.3
Sexual offences(1)	21.1	19.4	19.7	20.4	5.6	4.8	4.5	5.2	6.0	4.7	4.2	5.0
Burglary	622.6	723.2	810.6	813.4	190.1	214.3	214.5	203.3	183.7	211.9	230.8	222.6
Robbery	15.0	20.3	22.8	22.1	4.8	6.6	5.3	5.5	5.2	6.2	6.0	5.8
Theft and handling stolen goods	1,463.5	1,603.2	1,755.9	1,705.9	431.7	454.1	412.7	431.6	421.0	440.6	421.3	455.9
Fraud and forgery	105.2	106.7	123.1	121.8	31.4	32.9	29.7	31.1	30.9	30.1	30.4	30.2
Criminal damage	359.5	386.7	417.8	443.3	100.7	108.0	105.3	114.0	105.0	119.0	118.2	128.3
Other offences(2)	4.1	4.1	3.8	8.7	1.0	1.0	1.6	2.1	2.5	2.6	2.2	2.3
Total(1)(2)	2,688.2	2,963.8	3,262.4	3,247.0	794.2	849.5	797.2	821.0	784.9	844.0	838.0	878.5

(1) Includes from the beginning of 1983 offences of 'gross indecency with a child'

(2) Includes from the beginning of 1983 offences of 'trafficking in controlled drugs'

Table 2 Notifiable offences recorded by the police by offence group

England and Wales				Percentage changes from corresponding period of previous years					
Offence group	1981	1982	1983	1983				1984(1)	
				1st quarter	2nd quarter	3rd quarter	4th quarter	1st quarter	2nd quarter
Violence against the person	+ 3	+ 8	+ 2	- 2	+ 2	+ 5	+ 4	+ 6	-
Sexual offences	- 8	+ 2	+ 1	-	+ 2	+ 5	- 4	- 5	- 5
Burglary	+ 16	+ 12	-	+ 3	+ 3	- 3	- 1	+ 8	+ 10
Robbery	+ 35	+ 13	- 3	- 14	+ 3	+ 8	- 6	+ 14	+ 6
Theft and handling stolen goods	+ 10	+ 10	- 3	- 3	- 3	- 2	- 3	+ 2	+ 6
Fraud and forgery	+ 1	+ 15	- 1	+ 4	+ 2	- 1	- 9	+ 2	- 3
Criminal damage	+ 8	+ 8	+ 6	+ 2	+ 8	+ 4	+ 10	+ 12	+ 13
Other offences	-	- 7	- 2	- 11	- 3	-	+ 6	+ 32	+ 12
Total	+ 10	+ 10	- 1	- 1	-	- 1	- 1	+ 5	+ 7

(1) Includes offences of 'gross indecency with a child' and 'trafficking in controlled drugs'

Table 3 Seasonally adjusted figures(1) for notifiable offences recorded by the police by offence group

England and Wales

Number of offences (thousands)

Offence group	1982		1983				1984	
	3rd quarter	4th quarter	1st quarter	2nd quarter	3rd quarter	4th quarter	1st quarter	2nd quarter
Violence against the person	27.0	27.6	26.6	27.4	28.5	28.6	28.1	27.5
Sexual offences(2)	4.9	5.1	4.9	4.9	5.2	4.9	4.6	4.7
Burglary	204.3	212.7	205.2	200.0	197.7	209.7	220.6	219.3
Robbery	5.3	6.1	5.1	5.6	5.8	5.7	5.7	5.9
Theft and handling stolen goods	434.9	443.9	426.2	424.6	424.5	430.4	434.8	448.8
Fraud and forgery	30.9	31.3	31.7	31.2	30.5	28.7	32.4	30.3
Criminal damage	105.0	107.7	106.6	108.5	109.5	118.7	119.5	122.2
Other offences(3)	1.0	0.9	0.9	0.9	1.0	1.0	1.0	0.9
Total(2)(3)	813.3	835.3	807.2	803.1	802.7	827.7	846.7	859.6

(1) Seasonal adjustments are based on seasonal patterns observed between 1969 and 1983

(2) Excludes for comparability offences of 'gross indecency with a child'

(3) Excludes for comparability offences of 'trafficking in controlled drugs'

Table 4 Notifiable offences recorded by the police(1) by offence sub-group

England and Wales	Number of offences (thousands)		
	Offence group	July 1982 to June 1983	July 1983 to June 1984
Violence against the person	108.7	112.7	+ 3.7
Sexual offences	19.8	19.5	- 1.9
Robbery	22.1	23.2	+ 4.7
Burglary:			
Burglary in a dwelling	425.4	453.3	+ 6.5
Burglary in other building(2)	396.7	395.7	- 0.2
Total burglary	822.1	849.0	+ 3.3
Theft and handling stolen goods:			
Theft from the person	28.3	28.7	+ 1.6
Theft from a shop	240.6	237.7	- 1.2
Theft from a vehicle	435.5	432.0	- 0.8
Theft or unauthorised taking of a motor vehicle	340.0	325.9	- 4.1
Other theft and handling stolen goods	685.9	714.4	+ 4.2
Total theft	1,730.1	1,738.8	+ 0.5
Fraud and forgery	125.1	121.6	- 2.8
Criminal damage	428.0	470.6	+10.0
Other notifiable offences	3.7	3.9	+ 5.3
Total	3,259.6	3,339.3	+ 2.4

(1) Excluding for comparability offences of "gross indecency with a child" and "trafficking in controlled drugs" recorded only from 1983

(2) Includes offences of "going equipped for stealing"



10 DOWNING STREET

From the Private Secretary

Prime Minister ⁽²⁾

You will wish to see this "think-piece"
from the Policy Unit on crime. But
I am not sure that you will
necessarily want to take up the
suggestion of a meeting with the Home
Secretary, at least at this stage.

We might instead invite the Policy Unit
to turn their note into a paper which
you could send to the Home Secretary.

You could then consider next steps in the
light of his response. Agree? Dmb:sh

PRIME MINISTERCRIME

Leon Brittan has begun a transformation of the Home Office and is grappling with the formidable problem of combatting crime.

However, the public is still worried that the Government is not doing enough to counter the sharp increases in crime in recent years, that the bigger and highly paid police force is not yet making sufficient impact on preventing or solving certain categories of crime, and that the criminal justice system does not adequately deter, punish or reform offenders. The effect is to create a pervasive fear of crime and ultimately to undermine public faith in society's most basic institutions.

Some of these criticisms are unfair. There is a real prospect that after the 10 per cent rise in the number of notifiable offences in 1981 and 1982, there could be a fall in 1983. Many steps have been taken to bring this about:

(a) Police

- Police and Criminal Evidence Bill will become law this summer;
- police training has been improved;
- more police are back on the beat as a result of increased recruiting, improved inspection procedures, redeployment of officers and civilianisation of certain positions;
- police now have the equipment, training and organisation to deal with any future disorders, which they lacked in 1981.

(b) Police-Public Relations

- local consultation arrangements are already working in many areas;
- schemes such as the introduction of lay visitors to police stations are coming into operation;
- some police forces are conducting or commissioning opinion surveys to gauge public views on their performance and effectiveness;
- co-operation between the police and other agencies, statutory and voluntary (eg welfare services, schools, residents' associations) is developing.

(c) Crime Prevention

- a Home Office Crime Prevention Unit was established last November, a circular giving guidelines to local authorities has now been issued and an inter-departmental group has reported;
- various local initiatives, eg property marking, and Neighbourhood Watch Schemes, are being introduced in various parts of the country.

(d) Sentencing Policy

- the Criminal Justice Act 1982 provided for a wider range of sentences including alternatives to prison and Borstal, especially for young offenders, which have become available during the last 6 to 9 months;
- the Home Secretary set out last October changes in the sentences that the perpetrators of serious crimes of violence could expect.

(e) Prisons

- the prison service has been reorganised with a new system of inspection;
- a major programme of prison building will last for the rest of the decade;
- efforts are being made to reduce the prison population.

Among future Home Office legislative plans are:

- i. a further Criminal Justice Bill (in 1985 or 1986) embracing improvements to the systems of victim support, including compensation, and introducing new forms of daytime or weekend imprisonment; and
- ii. the setting up of the Independent Prosecution Service.

Much remains to be done if these policies are to be brought to a successful conclusion. The passing of legislation or the issue of a circular is merely the beginning of the process. In particular the Government needs to:

1. Assess systematically the impact of present policies and adjust where necessary.
2. Explore new ways of approaching especially difficult problems.

3. Take steps to improve the effective performance of all elements of the criminal justice system so that they give proper value for money.
 4. Mobilise support to hold the initiative in the political debate and enhance confidence in and support for the law throughout society.
1. Reassessment. Clearly, in some cases it will be months or even years before we have a clear idea of whether present policies are having the desired effect. Wherever adequate information becomes available, the Home Office should establish a continuing programme of evaluating the effects of specific measures and whether they are achieving their aims. If not, then changes should be proposed. Ministers should have available to them at regular intervals review reports on specific schemes with recommendations.

It should be possible to judge some policy effects earlier than others, eg:

- i. whether "short, sharp shock" helps reduce recidivism or acts as a deterrent;
 - ii. whether putting more police on the beat has any direct effect on reducing street crime (including auto-crime) or burglary, or whether it is principally offering a reassurance to the public with no measurable effect;
 - iii. whether the new types of sentence are being used by magistrates;
 - iv. whether less serious offenders are being kept out of prison.
2. New Solutions. In some cases, new or strengthened initiatives may be needed, eg:
 - i. Alternatives to prison: community service orders are a good method of handling less serious adult offenders. Attendance centres and the right type of probation can also act as the correct type of deterrent without forcing the offender to give up his job and tempt him into full-time criminality. Are these techniques being used enough?

- ii. Victim support: victims feel strongly that the system does not care about them. In some cases, the criminal should have to make good the damage done to the victim and his property. The court should always ask if the victim can be helped by the type of punishment awarded to the offender.
 - iii. Press reporting: rules over reporting are discretionary. There are times when publicity of a charge or before a verdict is wrong, as it can associate a crime with someone who may be innocent. There are other times when wider reporting of a proven crime would remind others of the dangers in loss of repute that can follow from a conviction. Should the Home Office investigate current practice?
3. Value for Money. The efficient use of resources should be a constant aim, but it has not always been acknowledged or achieved in the law and order field. In both police and prison service, a great deal has been initiated very recently to see that people and equipment are more effectively utilised. There is still much scope for improvement:
 - i. ^{senior} Senior police officers should have more information available on the effectiveness of their forces in the tasks on which they are deployed, and whether the balance between for example uniform patrols/traffic/CID/special squads is right.
 - ii. Police and prison inspectorates should have available to them greater expertise in management matters.
 - iii. the further uses of new technology in the police should be investigated to reduce the burdens of paperwork, and as a means of transferring more tasks to civilian staff. In traffic management, more technology could replace manpower.
 - iv. The improvements in management information and targets that the Home Secretary has introduced should be widened and pressed home.
4. Public Support. Although surveys reveal majority satisfaction with the police, there are important areas of disquiet:

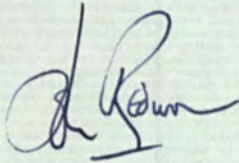
- i. Police relations with the young, and especially with ethnic minority young in inner city areas, have improved somewhat in the past 2 years, but there is still cause for concern.
- ii. Among the elderly and those living alone or in tower blocks in certain areas, there is a very real fear of crime. Sometimes it is unfounded. The police should tell people about the measures they are taking (like putting the man back on the beat) to rebuild local confidence. Publicity should be designed to reassure rather than alarm.
- iii. There is much anecdotal evidence of police alienating respectable citizens by either pursuing traffic offenders over-zealously, or shrugging their shoulders at the prospects of tracking down burglars. Would those officers deployed on the former task be put to better use on the latter?
- iv. The Government's stance on law and order is clear and much stronger than that of any other Party. The policy now has to deliver less crime and less fear of crime to avoid encountering more political opposition.
- v. Many academics and some Home Office officials still hold views on the causes and correct treatment of crime that are out of tune with common sense and the Government's approach. The war of ideas needs to be won and will need help from the politicians at the Home Office. The debate over the Criminal Evidence Bill showed that many still believe in one or other of two simple caricatures: either society is moving to a state of endemic lawlessness, or to a new authoritarianism.

Conclusion

You could mention these points to Leon Brittan, to ensure that:

- (a) a coherent sensible message is put across about the nature of the war against crime, and how the Government proposes to win it;
- (b) new initiatives on policing and sentencing are not only pursued, but also evaluated;

- (c) Leon Brittan brings academics into the task of winning the war of ideas, as he did successfully on a wider canvas in Opposition;
- (d) the work to secure value for money is pursued even more actively;
- (e) concern for the victim and for the quality of police service to the public be moved up the list of priorities.



JOHN REDWOOD

Briefing Note

No. 32
27.10.83

A STRATEGY TO FIGHT CRIME

DS 27/0

On his appointment as Home Secretary following the General Election in June, Mr Leon Brittan undertook a complete review of Government policy on crime. Referring to the importance of an overall strategy which would take in every aspect of the criminal justice system, from crime prevention and effective use of police resources, to sentencing policy and prisons, Mr. Brittan emphasised:

"All of these issues inter-relate and we shall make no serious headway in tackling crime if we concentrate on any one aspect to the exclusion of others" (Torquay, 27th September 1983).

Crime Prevention

A Crime Prevention Unit was established at the Home Office in July 1983. Initially set up on a three-year experimental basis, the Unit will be concerned with the development of short-term measures which will have a direct impact upon crime. It will have a strong research base; working with local organisations such as local authorities, police and industry, it will seek to establish an environment in which crime cannot thrive.

The police themselves have launched both 'neighbourhood watch' and property marking schemes. The former is designed to help the police and public work together to beat crime, and will be based upon 'home beat' officers; however, there is no question of a 'vigilante' element playing any part in the scheme.

The Police. Between 30th April 1979 and 31st March 1983, police strength increased from 109,998 to 119,496. This increase in manpower has allowed the police to return officers to the beat in significant numbers; many police forces are now studying how to deploy their available manpower to best advantage. At the same time, a recognition of the importance of public support for, and confidence in, the police has led to the formation of consultative groups with local people, and a greater emphasis upon the role of the public in assisting the police. These steps, in turn, have an important influence upon effective deployment.

Police Powers and Suspects' Rights. The Philips Royal Commission, examining the issues in 1978, pointed out the haphazard and inconsistent extent of police powers, and the lack of statutory control over the rights of suspects. The Police and Criminal Evidence Bill, which fell at the General Election, was designed to rectify this situation. A new Bill is to be introduced, which will incorporate a number of important changes to the original Bill, but whose aim will be, in the words of the Home Secretary:

"Better enforcement of the law, combined with surer guarantees of the citizens' rights" (Blackpool, 11th October 1983).

Changes in Sentencing Policy. At the Conservative Party Conference, Mr. Brittan announced a number of new measures:

- (i) Life Sentences. Those sentenced to life imprisonment can only be released on the authority of the Home Secretary. There are no parole arrangements attaching to life sentences; release is under licence, which can be revoked.

In future those who are convicted of the following offences can expect to serve at least 20 years:

- * Murder of police or prison officers.
- * Terrorist murders.
- * Sexual or sadistic murders of children.
- * Murder by firearm in the course of robbery.

In addition, those who murder people such as night watchmen, security guards, transport personnel or post office staff, whose jobs make them particularly vulnerable, can expect to serve very long sentences.

- (ii) Legislation will be introduced to increase the maximum sentence for carrying firearms in the furtherance of crime, from 14 years to life imprisonment.
- (iii) As part of a Bill on the introduction of an Independent Prosecution Service, measures will be introduced to allow the Attorney-General to refer cases, in which he considers the sentence to have been over-lenient, to the Court of Appeal. Although the original sentence would not be altered, the Court of Appeal would be able to lay down clear guidelines as to what it considered to be the proper punishment for such an offence.
- (iv) Those sentenced to more than 5 years imprisonment either for crimes of violence against the person or drug trafficking, will not be released on parole, except where release under supervision for just a few months before the end of sentence is likely to reduce the long term risk to the public. Details of these arrangements will be worked out with the Parole Board.

Prisons. British prisons suffer at present from serious overcrowding. As Mr Brittan has affirmed:

"Overcrowding in our prisons makes control and security far more difficult ... it is also unacceptable in itself because it is inhumane. Whatever we think of people we send to prison, we send them there as punishment not for punishment" (Blackpool, 11th October 1983).

It is essential that those who pose a genuine risk to society remain in prison, and that places be always available for them; however, by the same token it is right that those who pose no such risk either do not go there in the first place, or are released after the first short sharp shock of custody. Accordingly, the following changes are being implemented:

- (i) The minimum qualifying period of custody before a prisoner becomes eligible for parole will be reduced from one year to six months.
- (ii) Alternatives to prison are being expanded for fine defaulters, drug addicts and mentally disordered offenders for whom prison is not the proper place.
- (iii) The Home Office are consulting the Probation Service on a major reassessment of its functions. In particular, the importance of community service orders is being stressed.
- (iv) The prison building programme is to be both accelerated and extended. It will provide 4,800 extra prison places; at the same time, some 4,000 places will be gained from work on existing prisons.

As a result of these measures, prison overcrowding should be ended within the decade; in the short term, the policy of putting prisoners in police cells will, by the end of this year, no longer be necessary.

Conservative Research Department,
32, Smith Square,
London, SW1.

NC/LC

010
[redacted]



DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

Rt Hon Leon Brittan QC MP
Secretary of State for the
Home Department
HOME OFFICE
50 Queen Anne's Gate
London SW1H 9AT

2 August 1983

Leon Leon,

[Handwritten mark]
3/4

CRIME

with PM?

Thank you for your letter of 16 July about the final report of the Official Working Group which has been considering how Departments and local agencies outside the criminal justice system might do more to reduce crime.

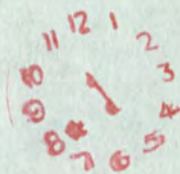
I very much welcome the report and its proposals for further action. I agree that action at the local level is the key and that a circular as proposed should be a helpful way of encouraging the development of appropriate local arrangements. At the same time, as you say, we at the centre have a part to play in promoting the theme and also in maintaining the momentum. We will certainly keep this in mind.

I note that your officials' consultations on the proposed circular will not commit us to the present text but I would, from the outset, like to see a re-wording of the piece on Education Welfare Officers in paragraph 14. If, instead of referring to the development of their role in the reduction of truancy, we were to refer to concentrating the role of Education Welfare Services on the reduction of truancy, this would have a stronger ring and be more in keeping with our Manifesto commitment to switch the emphasis of the Services back to school attendance.

I am copying this letter to the recipients of yours.

Leon Brittan

E2 AUG 1983



PRIME MINISTER

CRIME

You will recall that the Home Office set up a working party under Sir Brian Cubbon on crime prevention. They have now produced their report, a copy of which is attached, and are producing a number of courses of action (see paragraph 18 of the report which is flagged). Principle amongst these is the establishment within the Home Office of a crime prevention unit which would bring together the various threads of policy in the department and would have the responsibility to promote crime prevention ~~policy~~. Also suggested is a circular to local authorities advising how:

- (i) local services should cooperate in introducing a much greater element of crime prevention into their activities, eg ensuring that improvements in lighting are concentrated in areas where street crime is highest; and
- (ii) advising on ways of reducing opportunities for vandalism and theft.

The object of the circular is essentially to make local authorities and services aware that their activities have an effect on crime, an understanding which has been virtually entirely lacking in the past. A classic example was the tower block architecture of the 1950s which simply invited vandalism.

29 July 1983

Y SWYDDFA GYMREIG

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From The Secretary of State for Wales

The Rt Hon Nicholas Edwards MP

27 July 1983

De Leon

29/7

CRIME

I am glad to give the assurance requested in your letter of 6 July that I endorse the analysis of the Working Group's report and their proposals for further action.

The general tenor of the report matches the philosophy we have tried to follow in Wales since 1979 in developing integrated policies. This has been particularly effective in relation to young offenders where we have had some useful exercises involving all the relevant agencies in developing an integrated approach to children in trouble. We are of course keeping crime prevention very much in mind in all our policy considerations.

I support your intention to issue a joint circular although there are some small amendments which I should like incorporated to reflect the position in Wales more accurately. Perhaps we can leave it to our officials to sort out these details.

I am copying this to recipients of your letter of 6 July.

J → c
"De"

The Rt Hon Leon Brittan QC MP
Home Secretary

28 JUL 1983





QUEEN ANNE'S GATE LONDON SW1H 9AT

6 July 1983

R. Keir

CRIME

You now have the final report of the official Working Group which describes how Departments and local agencies outside the criminal justice field could help to reduce crime. I am most grateful to all those who have co-operated in this exercise.

I am very attracted by the approach taken by the Group. In my speech in the debate on the Address on 23 June I said that I intended to give a high priority to crime prevention.

I should be glad to know that you and other colleagues endorse the detailed analysis in the Group's report and their proposals for future action. Clearly, the police will remain a key service in tackling crime; but I believe that we must recognise that in the long-term they are unlikely to make real headway unless all agencies and the community work with them. Action at the local level is the key and I hope that the proposed circular to local authorities and others can be issued in September. The Home Office will now undertake the necessary outside consultations on the draft without committing Ministers to the present text.

I shall consider how, in addition to the circular, the other material and analysis in the Group's Report might be published about the same time.

I am taking the opportunity to announce today, in advance of the circular, the establishment in the Home Office of the Crime Prevention Unit mentioned in paragraph 15 of the report.

I hope, too, after these initiatives have been launched, that this approach to crime reduction will be a theme which will be taken up by the Government on the widest possible front and that we will all seek to play an active part in promoting it both within our Departments and in speeches inside and outside Parliament.

I am sending copies of this letter to the Prime Minister (with a copy of the report), to the Secretaries of State for the Environment, Employment, Social Services, Scotland and Wales and to Sir Robert Armstrong.

Yours
R. Keir

CRIME

REPORT TO MINISTERS

1. Departments have been considering in recent months what agencies outside the ordinary ambit of the criminal justice system were doing, and could currently do, to help to reduce crime in England and Wales. The purpose of this report is, looking further ahead, to signpost what more can be done in future.

2. We begin from the premise that neither central government nor local services are as crime conscious as they could be. Crime is a complex phenomenon with many roots. There are factors associated with law-breaking in the character, history and background of individuals. There are other factors affecting the incidence of crime in the physical environment. We acknowledge that the services concerned with the education, guidance, or support of individuals or families are already a positive force for good; but we are clear that they could do still more to promote responsible behaviour, positive attitudes and respect for the law. We also take the view that more should be done to ensure that the environment is not conducive to anti-social behaviour and offers adequate opportunities for non-criminal activities. For effective action here we must look to the physical design and planning of the environment and to the provision and management of local services, both public and private. There is an unexpectedly wide range of measures that can be taken to reduce crime, some of them simple and involving little additional cost.

3. The continuing objective must be to ensure that the opportunities that undoubtedly exist for effective action against crime are recognised and exploited by every department and local service involved. This means that institutions must be organised to work effectively with one another and in ways that maximise their shared potential for controlling crime. And that the individuals working at ground level are encouraged wherever possible to adjust their present activities if, as we believe will often be the case, by so doing they can contribute to the reduction of crime without detriment to their respective services. The main participants in this are: local government services - housing environmental and planning, social services and education; the police and the probation services; and the voluntary sector.

4. We have made a start on a number of fronts.

5. The note attached at Annex A (Reducing Crime: The Findings of Research), seeks to fill a gap in the knowledge and imagination of central departments in respect of crime-related research. Paragraph 17 of the note draws attention to the fact that some sorts of crime can be reduced through the management, design or manipulation of the environment in which crimes occur. We believe that the development of this "situational" approach to prevention affords the best immediate prospect for significant crime reduction. We therefore intend that the insights provided in the note should inform policy and its public

justification and that Departmental understanding should be further enhanced by the dissemination within Whitehall of the results of future research in this area.

6. Some relevant Departments have Inspectorates which have an important part to play; although their roles are different, as are their relationships with the services they inspect, each is working at the interface of Whitehall and the local services. When we brought together representatives of the relevant Inspectorates, they agreed on the value of comprehensive approaches to crime reduction that would avoid the departmentalism that has hitherto characterised much of the work in this field. Currently some of the Inspectorates are considering how existing local initiatives in their various specialist fields could, with encouragement, co-operate with other local services so as to reduce the opportunity for an incidence of crime; and whether there are good practices at local and regional officer level that deserve to be disseminated to others working in the same fields in other parts of the country.

7. Two points of great importance emerge from the survey of research and from our discussions. First there is a case for developing and broadening the role of the police in crime prevention. At present, the specialist crime prevention officers, together with local crime prevention police, carry out invaluable work. Clearly this must continue. But it is important for all officers, uniform branch and CID, to develop the preventive element of their work. There is also a role for the police outside their traditional sphere: in local decision making, for example, in the area of planning and environmental policies; and in local activities eg in relation to the schools and youth work. We must therefore seek closer collaboration between the police and local agencies, community organisations and local authority departments. Properly developed, police expertise and local knowledge may well be a valuable input, for example designing and running housing estates, recreational centres and shopping precincts; and the police are well placed to support efforts, for example, to improve "problem" housing estates with advice on coping with local problems such as noise and vandalism. On a broader front, the police are also in a position to provide data on crime patterns which, taken together with other information (on eg housing stock, social amenities etc), could provide an informed basis for local initiatives against crime.

8. Secondly, this is not a matter of one agency always taking the lead but of all of them with a role to play working together to develop a framework and suitable administrative arrangements in which each can contribute openly and effectively to a common programme of crime reduction. Much useful work is already underway but, if inter-agency efforts of this kind are to make a really significant impact on crime, then changes in attitudes and procedures of the professional services, including the police and probation service, will be required.

9. There is no national plan which can simply be handed down to local services for implementation everywhere. The reasons for this are clear. Patterns of crime vary considerably between areas, indeed between neighbourhoods and are influenced by the nature of the neighbourhoods themselves. This being so, significant progress can be made only by

specific and carefully focussed local initiatives aimed at particular target groups or localities. Good schemes at the neighbourhood or housing estate level cannot be devised at the national level.

10. We identified young people as a particularly important group. All young people go through a difficult period in adolescence and many commit offenses of some sort. The vast majority grow out of criminality, but there is a danger that the wrong sort of reaction could propel some into further crime. DHSS has accordingly placed increasing emphasis on developing effective community-based diversionary programmes of intermediate treatment. Education and youth services have a key role. The comprehensive report of the Review Group on the Youth Service, and the report of a useful and timely survey of police liaison with the education service have recently been published. Both these reports emphasise the need for local initiative and co-operation and provide a good basis for carrying forward efforts in this vital area. In addition the DES has long encouraged the use of facilities in schools for community purposes where resources permit. The DES and the DOE are working up a proposal for a joint circular to local authorities to encourage them to do still more in securing such use of both educational and other facilities under their control. The DES has also recently issued updated guidance on some possible ways of reducing damage from vandalism in schools and colleges.

11. Steps have been taken to ensure that full use is made of the opportunities under the Urban Programme. There has been an encouraging response to the Ministerial circulars and letters which have been sent to the appropriate local authorities and which contained references to schemes relevant to crime reduction. Annex B gives an indication of Urban Programme support for crime-related projects in 1983/84.

12. In addition to schemes within the Urban Programme, the Home Office, DOE, DHSS, MSC, DES the Welsh Office, local authorities, the probation and after-care services and the voluntary organisations all have relevant work in hand. For example, the DOE set up the Priority Estates Project in 1979, designed to secure improvements to the management and physical condition of "problem" council housing estates, including the reduction of crime and vandalism, and the achievement of a greater sense of security amongst residents. The ideas of this project are being taken up in many local authority areas. The DOE has also given a pump-priming grant over 4 years to help NACRO establish its Crime Prevention Unit to reduce vandalism and other crime through programmes of environmental improvement on housing estates. The Welsh Office is also well advanced with plans to sponsor similar projects in Wales. The DHSS are supporting a wide range of initiatives for the prevention and reduction of juvenile delinquency, such as the NACRO Juvenile Crime Unit which is being set up in 10 areas of the country to establish greater co-ordination and community involvement in dealing with juvenile crime. The employment programmes operated by DE and MSC make a contribution indirectly to crime prevention, although this is not their express purpose. The DES have encouraged work centred on schools and the youth services which show particular promise. Collaborative ventures managed by the probation services or jointly with other agencies both statutory and voluntary

have drawn on a variety of funding sources to develop a multiplicity of facilities providing work, accommodation, remedial education, day centres, counselling etc to meet specific local needs of offenders and those at risk. The number of victims support schemes is increasing with the help of the MSC and other sources: these schemes provide not only comfort and advice to those who have suffered a burglary or assault but also practical help in securing houses and dealing with the fear of crime which can have as much impact on people's daily lives as crime itself.

Future Action

13. These are just some of the ways in which we have sought to build in a practical way on the interim report. It will be important that those involved centrally do not lose sight of the objectives. The Inspectorates must continue to work together. But it is evident that as part of a comprehensive strategy we must now address a task more difficult than encouraging co-operation at the centre or the local take up of ad hoc schemes.

14. The Departments concerned now have to get the message across and understood at local level and generate a new mood. We must mobilise local services, voluntary bodies and community associations to co-operate together in identifying opportunities for crime reduction and in taking action on their own initiatives. This might be done in a variety of ways: by assisting authorities, the police and representatives of voluntary organisations with the organisation of workshops and seminars on crime prevention topics; and by the provision of illustrative material, possibly in the form of "checklists", which would encourage local officials and others to consider the development of preventive action. There is also a need for the dissemination of research information and "best practice" on crime reduction to those in the community who, because of the work they do or the positions they hold, can contribute to crime reduction.

15. To help the further development of crime prevention and to provide some central support in mobilising local efforts, the Home Office is making some internal adjustments designed to draw together the various relevant administrative and research activities already in hand in the Department and permit a more effective and better co-ordinated approach to the problem. In broad terms, the Home Office should then have some capacity to work with the police, local authorities and voluntary groups in designing, implementing and evaluating "demonstration" crime reduction projects; and to collect, evaluate and disseminate information about promising initiatives. At the right time, Ministers may wish to give this re-organised capacity the title "Crime Prevention Unit" and get some publicity for it.

16. The aim of all this activity must be to persuade those with responsibility in Whitehall and locally to make crime reduction integral to, and not an adjunct to, their policies and practices. This is not so much a matter of inventing new policies as of adapting existing ones. For the local authorities in particular this will mean incorporating crime prevention into their main programmes. There will be some costs: the kind of change in attitudes and practices that we are seeking will involve more time being given to our objectives, and in many cases new

administrative arrangements. The bill should not, however, be large; and it is clear that, given the present immense cost of crime, even modestly improved crime reduction holds the prospect of very significant consequential savings in both social and financial terms.

17. We have already made a start in reaching those in positions of influence locally. A seminar held at Bramshill Police College in September 1982 brought together senior people responsible for key organisations to pursue ideas for effective crime reduction and encourage their development. The report of this seminar, which has been published and widely distributed has served as a basis for discussion with local authority associations and, on a separate occasion, with SOLACE. On both occasions, the response was encouraging and further action is planned.

18. We now propose to build on this beginning by:

- a. meeting with chief officers of police to discuss with them the development of crime prevention within the police service and the relationship between the service and community organisations;
- b. meeting with representatives of the voluntary sector to discuss their work and its relationship with crime reduction;
- c. extending discussions with local authorities by meeting with chief officers of relevant departments (housing, education, social services, planning);
- d. promoting local discussions between the relevant services, agencies and voluntary organisations;
- e. pursuing a programme of research and development in the area of crime reduction that will assist those working locally (see paragraph 15 above);
- f. by issuing a joint inter-departmental circular on the lines of the "Ditchley" letters on inter-agency co-operation in dealing with juveniles, but wider in scope to reflect the lessons we have learned.

19. The Home Office would continue to take the lead in carrying forward this programme of action with other Departments.

20. We invite Ministers to endorse the approach we have taken and to agree the direction we now propose to take and the specific measures in paragraphs 18 and 19 above.

132
D R A F T

HOME OFFICE

DEPARTMENT OF THE ENVIRONMENT

DEPARTMENT OF HEALTH AND SOCIAL SECURITY

DEPARTMENT OF EDUCATION AND SCIENCE

WELSH OFFICE

Home Office Circular .../1983
Department of the Environment Circular .../1983
Local Authority Circular .../1983
Department of Education and Science Circular .../1983
Welsh Office Circular .../1983

The Chief Officer of Police
The Chief Housing Officer
The Chief Planning Officer
The Chief Probation Officer
The Chief Education Officer
The Director of Social Services
The Education Officer ILEA

The Chief Executive of Non-Metropolitan
County Councils and Metropolitan and Non-Metropolitan
District Councils

The Clerks to the London Borough Councils
The Clerk to the Greater London Council
The Clerk to the Common Council of the City of London
[The Clerk to the Justices]

[1983]

Dear Sir

CRIME PREVENTION

Crime is a complex phenomenon with roots in a wide range of social and environmental factors. Many of these factors lie outside the control or direct influence of the police. The task of preventing crime cannot therefore be left to the police alone. Other agencies whose policies and practices may also influence the incidence of crime, as well as private citizens, have important contributions to make, and an effective crime prevention strategy needs to involve them all.

2. Recent discussions between Ministers and between central government officials and representatives of local authority services, have shown that the police, local agencies and departments are aware of their mutual interests in crime prevention; and have emphasised the need to develop local arrangements within which all whose policies affect the incidence of crime can work effectively together. This circular is therefore issued jointly by the Home Office, the Department of the Environment, the Department of Health and Social Security, the Department of Education and Science and the Welsh Office with the objective of encouraging the development of such arrangements. The purpose is not to lay down detailed guidelines but to indicate some of the factors of which account will need to be taken in designing and implementing local measures against crime; and to suggest a number of points that authorities may need to bear in mind in developing an appropriate local framework.

3. An accumulation of research results suggests that a sound policy towards crime prevention needs to be informed by the following key propositions:

- a. the effectiveness of the policy depends crucially on the active support of the community. The methods used by the police in preventing and detecting crime are constantly improving; but, in the long-term, significantly increased police effectiveness cannot be achieved unless the community can be persuaded to make a greater contribution.
- b. crime is not a uniform phenomenon. Patterns of crime vary markedly from area to area and between neighbourhoods and are influenced by the nature of the neighbourhoods themselves. This being so, significant progress in reducing crime is most

likely to be made if local initiatives are carefully focussed on particular localities and crimes;

- c. some common sorts of crime can be reduced through management, design or manipulation of the environment aimed at reducing the opportunities it affords potential offenders. Progress is being made, particularly in the long-term, by the application of policies designed to deal with social factors associated with criminal behaviour. For the short-term, the evidence increasingly argues that the development of a "situational" approach to prevention taking into account both social and environmental factors offers the best prospect for significant crime reduction;
- d. crime prevention schemes are more successful where local agencies work together, and with the police, in a co-ordinated way towards specified objectives.

4. Experience and these findings indicate that crime prevention initiatives need: first, to take account of the wishes of local people and to engage their active support; second, to be precisely targetted against specific local problems; third, to take account of the need to ensure that the environment offers adequate facilities and opportunities for non-criminal activities and indeed is not conducive to crime; and fourth, to draw upon the shared potential of all relevant local agencies in controlling crime.

5. Some areas of co-operation, such as over juveniles or young people in trouble or at risk are already well established: and a growing number of crime prevention schemes in operation up and down the country are

taking account of some or all of the features mentioned in paragraph 4 above. The object of this circular is both to encourage good day to day practice sometimes informed by special projects or schemes, and to suggest that there will be a great deal to be gained by establishing systematic inter-agency arrangements designed to ensure that any insights gained are taken up by the services concerned. So far as local authorities are concerned the ultimate aim of such arrangements would be to ensure that those involved with planning and service provision take routine account of the need to reduce crime and are fully alive to the opportunities for doing so.

6. It is not possible precisely to lay down how the broad approach outlined above should be translated into practice since the arrangements made and procedures adopted will need to be closely tailored to local circumstances. It is suggested, however, that a suitable framework will need to include the following elements:

- (i) the collection of information about, or relevant to, crime; and the analysis of local crime problems;
- (ii) the identification of the potential for crime reduction; and the preparation of policy options;
- (iii) consultation with community interests and the co-ordination of activity; and
- (iv) the implementation and monitoring of specific courses of action.

The Collection and Analysis of Information

7. Successful local initiatives must reflect local circumstances. Information will therefore be needed on local patterns of crime,

misbehaviour and the concerns of local people. Such information needs to be as detailed and specific as possible. The development of effective measures depends on considering the various factors associated with specific offences in specific areas and on assessing the practicability of different kinds of measures. It will, therefore, be helpful to start from the circumstances surrounding the commission of a particular type of offence.

8. A considerable amount of information is available from the police and other local agencies about the social conditions in which offenders have been brought up and now live and about the physical targets of crime. What has tended to be lacking is the coherent and systematic marshalling of that information in respect of the circumstances surrounding particular types of offence. An examination of the situation in which a particular type of offence takes place can reveal the conditions necessary for, or conducive to, its commission and can suggest a wide range of both social and environmental preventive measures which relate directly to these conditions.

9. It is important to note in this context that it is the collection and collation of aggregate data that is being suggested and not information about identifiable individuals; and this circular is not intended to alter or extend in any way such arrangements as exist between agencies for the exchange of confidential information.

10. For some types of offence there may be sufficient information available, but hitherto uncollated to make it possible to draw a full profile of the crime under study. The police are an obvious major source

of data and local authorities would be helped if the police were to make available to them information on local patterns of crime which describe the characteristics of specific crimes. There are also many other sources besides the police, such as insurance companies, who collect information about crime, as do the Post Office and the Gas and Electricity Boards when damage to their property is involved. Local authority departments in particular are likely to be rich sources both of information directly about crime, such as vandalism of school buildings or racial attacks on multi-ethnic housing estates, and of the social and demographic data necessary to place crime in its local context. Such data might, for example, include information about housing stock, population characteristics, and perhaps transport and recreational facilities in areas noted for high levels of crime and disorder.

11. Collating information from all such sources would enable full advantage to be taken of existing knowledge and expertise and, importantly, would draw in all agencies which hold such information in thinking about the planning for crime prevention at the earliest possible stage. Any research that had to be carried out to fill in gaps in information would be the last stage of the exercise when the needs were clearly identified.

The Preparation of Policy Options

12. It has been suggested that an analysis of the situation in which particular offences occur can reveal a wide range of possible preventive measures which are directly relevant to local conditions. These are likely to include measures aiming to limit or remove the opportunities for crime as well as those that aim to reduce the motivation of people to engage in crime.

13. Measures designed to make the commission of crime more difficult can be of various kinds and achieve their effect in different ways. At one level, the use of bolts and bars on buildings and anti-theft devices can make certain offences more difficult to commit. At another level, shops, for example, can be designed in such a way that the physical act of shoplifting is made more difficult and, at the same time, more risky. This element of risk, that derives from the ability of the "defender" to keep an area of likely attack under surveillance, can be exploited in a number of ways. For example, improving levels of street lighting in places where crime is likely to occur can have some crime prevention effect; on a larger scale, housing designs and neighbourhood plans which enable residents to exercise greater surveillance and control over their homes and surrounding areas can give them a sense of "territoriality" that makes them readier and more able to prevent crime. The security of dwellings and of the entrances to blocks of flats, through better doors, entryphones, caretaking arrangements etc. can also make a big contribution to crime reduction. In more restricted circumstances, it has been shown that vandalism in buses - a difficult and costly problem in some parts of the country - can be reduced by ensuring that the design of the vehicle allows the driver or conductor to see the passengers in all parts of the bus.

14. Measures that concentrate more specifically upon the offender are based on the premise that criminal behaviour can be reduced by improving social conditions to eliminate, or to compensate for, the material and psychological deprivations which are associated with it. For example, policies to combat urban deprivation are, of course, justified in their own right; but they may also have some effect on the roots of criminality. In the education field, attention has been focussed on

attempting to understand the causes of truancy and of variations in delinquency rates between schools; upon developing the role of Education Welfare Officers in the reduction of truancy. In the social work area increasing emphasis is placed on retaining as far as possible within the community those young people who get into trouble, and using domiciliary and community-based provision rather than residential or custodial.

15. Although it may have its uses as a way of categorising and understanding approaches to crime prevention, drawing too firm a distinction between the sorts of measures that may suggest themselves in the light of an analysis of local crime problems or an undue adherence to the merits of a "physical" or "social" approach, can lead to an exclusive and narrow view of crime prevention and the benefits which each approach can offer may, in consequence, be overlooked or ignored.

16. If a broad view is to be taken, however, it will be of all the greater importance to examine each possibility for action critically in the light of the resources available and a realistic assessment of the potential of the participating agencies for reducing crime; and to ensure that any initiatives subsequently undertaken have clear, precise and practical aims.

17. What is important is to look for gains in the intelligent adaption of existing procedures and programmes. For example, an examination of local arrangements for the repair and maintenance of housing stock might suggest ways in which they could be altered in order to reduce crime. Similarly, where local authorities have, for example, a planned programme for improving street lighting, an examination of the order of priorities within the programme might suggest that it would be right to give

precedence to schemes in areas where improved lighting would be likely to make offending more risky and reduce local fear of crime. It should be noted that it is not being suggested that the purpose of such reviews of existing programmes should be to give automatic precedence to crime reduction over other equally, or, in many cases, more desirable or pressing objectives. Rather, the aim would be to ensure that the need to reduce crime was not forgotten and that such opportunities to reduce crime as may be taken up without distorting the aims of main programmes are fully exposed for rational consideration.

18. Special projects, studies, experimental schemes and so on can help considerably in the modification of standard procedures and programmes. The Home Office Research and Planning Unit has carried out several detailed studies, such as those of vandalism and burglary; and the Department of the Environment's Priority Estates Project has indicated several ways in which housing management working with other agencies can play its part in the reduction of crime and the fear of crime. The same is true of the many housing estate projects set up by NACRO, which have a focus on vandalism and crime prevention. There is continuing scope for study and experiment, specially that which is closely geared to the adaption of main programmes.

Consultation and Co-ordination

19. The public can only be expected to participate in crime prevention where initiatives against crime reflect their own perceptions and concerns; otherwise their involvement will almost certainly be minimal. It has been shown that it is not unusual for the targets of police and local

authority activity to be of limited interest to those living in the community. This mismatch of perceptions indicates a need for methods by which the community's fears and concerns can be assessed, and for the formation of closer links between the public and those holding positions of authority.

20. There is no single structure that can be universally adopted, and local arrangements for community participation in collaborative efforts to reduce crime will need to be sufficiently flexible to take account of variations in both the needs and resources of localities within the area under review. Some existing groups, such as crime prevention panels, "Scarman" consultative committees and the local inter-agency committees being sponsored through the new DHES intermediate treatment initiative are already well suited to communication and consultation about crime; others, such as community councils or neighbourhood associations, may need to be made aware of the contribution they can make and to be drawn into discussions.

21. Besides forging links with the public, local agencies and departments will need to establish a framework within which their own activity on the crime prevention front can be co-ordinated. So far as local authorities are concerned, the way forward here might be to identify individuals (initially, perhaps, at chief officer/ director level) within the authority to whom the development of a crime prevention dimension in policies and procedures would fall, and to arrange for regular meetings between them. This is a matter on which the chief executives of Metropolitan and London boroughs and of Shire county councils, might consider taking the lead in consultation with their colleagues in the other tier of local government. The scope of attendance at such meetings

would vary from place to place but it is likely that, at a minimum, the police, the magistracy, the social and probation services and the departments of education, housing and highways will all need to be involved as will those responsible for planning and environment and the provision of leisure facilities. These official "core" meetings might be linked with other regular discussions designed to bring in community and voluntary groups, the churches, and representatives of local industrial, business and commercial concerns. In urban areas where there are inner city partnerships or programme arrangements these should be part of the consultation process.

22. As one important product of all these discussions, those involved might consider the preparation of a co-ordinated crime prevention plan for the area. Such a plan would need to be based on specific objectives agreed by all those concerned with, or affected by, its implementation and should be endorsed both by local elected representatives and relevant local government departments and agencies, including the police. Support from the local private sector would increase its strength. To serve a useful purpose, it should include practical proposals, and the necessary administrative arrangements, at working level, for implementation. As far as possible the plan should involve modifications to ongoing policies and practices rather than wholly new bodies of work. Some modifications might warrant trying out experimentally in one area before they are adopted more widely.

Implementation and Monitoring

23. The nature of the initiatives undertaken in the light of analysis, planning and consultation, will reflect local circumstances and resources

and the following examples are intended to give no more than a very broad indication of what they are likely to include. In housing, the main requirement may be for management and maintenance policies and practices to reduce crime and vandalism and to gain tenants' support in doing so. So far as planning is concerned, progress might be made by taking account of the crime reduction potential of policies towards land use (mix); the layout of residential areas and the provision of leisure amenities. As regards road and transport, benefits might flow, as has already been suggested, from improved lighting in some locations; and from scheduling public transport to allow for the swift and peaceful movement from town centres (including places of entertainment at night). Many social services departments will already be deeply involved with local inter-agency committees concerned with juvenile offending in general and intermediate treatment in particular. Where appropriate this activity could be linked into a broader crime prevention strategy. There are also some well-established victim support schemes; these as well as restitution and reparation projects might well be extended. The scope for contributions by education authorities may be particularly wide, centring on the schools' concern with the development of responsible behaviour and self-discipline in children and extending to aspects of the design, maintenance and care of educational buildings and steps to facilitate the use of school facilities by the community outside school hours.

24. Many obstacles to the successful implementation of crime prevention initiatives are likely to arise. It will, therefore, be useful to establish some means of assessing the progress made in particular areas or in respect of particular schemes and of ensuring that objectives are

not abandoned in the face of surmountable difficulties. It will also be vital to monitor new schemes, practices or policies with great care to ensure that they are having the effect desired. It will be particularly important to feed back information on the cost of change and the introduction of new arrangements introduced in a particular area to management teams working in different areas with an interest in making similar changes themselves. Besides providing necessary feedback, information from monitoring and evaluation will also provide an essential aid to decisions as to what projects and policies are, in the event, unlikely to succeed and should be abandoned and those which are capable of refinement in the light of experience.

Role of Central Government

25. Crime prevention initiatives cannot follow any central government "blue-print" and must develop on a local basis. This does not, of course, mean that central government policies are irrelevant and, in the course of an inter-departmental review established by the Home Secretary last year, all the departments contributing to this circular have examined their policies and considered what more they could do to prevent crime. One result of this review was the invitation to local authorities from the Department of the Environment to submit, for funding under the Urban Programme, schemes relevant to crime prevention.

26. Central departments have a significant role in working towards the establishment of a climate in which crime prevention is accepted as a significant and integral goal of public policy, both centrally and locally; and in ensuring that the right climate is created. This they will do. But government also has the duty of taking steps to ensure that

support is given to local initiatives in the form of the dissemination of information and ideas and of advice in tackling problems and evaluating initiatives.

27. [As a modest start in providing central support for local efforts, the Home Office is to establish a Crime Prevention Unit. This Unit will aim to draw together Home Office resources presently devoted to crime prevention and to develop crime prevention thinking; and will be available to work with the police, local authorities and voluntary groups in designing and evaluating "demonstration" crime reduction projects. It will also aim to collect, evaluate and disseminate information about promising local initiatives and local crime prevention plans (as proposed in paragraph 22). The Unit will be located in the main Home Office building in Queen Anne's Gate, London, SW1.]

28. Support will also be available from other central departments. Urban Programme support, for example, is available for local authority expenditure on their own projects or those of voluntary organisations which contribute to the reduction of crime or the alleviation of its effects for a wide variety of youth work and other relevant activities. Ministers wrote to the leaders of inner city Partnership and Programme authorities last year encouraging them to consider the inclusion of such projects in their Inner Area Programmes. DHSS's regional social work service network will continue to be available to support local authorities in establishing inter-agency consultative machinery, and in providing advice and help to social services departments. DHSS will continue to make direct grants to suitable voluntary organisations for projects which bring together community interests in the field of juvenile offending.

Support and advice will also be available from the Inspectorates of the relevant Departments. They will be adopting a co-ordinated and integrated approach in supporting local initiatives and will have an important role in disseminating good practices to those working in the same fields in different parts of the country.

Resources

29. It has been suggested that, at a time when resources are scarce, progress in reducing crime can nevertheless be made by ensuring that the need to reduce crime is not forgotten and that such opportunities as exist within main programmes are taken up. Where existing policies and programmes make the incorporation of a crime prevention "dimension" more difficult, progress might still be made at little extra cost. Projects already underway indicate that private charities and similar bodies may be willing to fund local initiatives, while projects requiring resources in the form of manpower might usefully turn to local voluntary groups. It might also be possible to make better, or further, use of existing facilities. The educational service, for example, has a range of premises and facilities which might, in principle, be made available to those organising crime prevention projects.

Conclusion

30. The reduction of crime will not be achieved either swiftly or easily. The co-ordination of crime prevention activity can be very time-consuming and needs to be long-term if it is to be really effective. Representatives of central and local departments and other agencies attending the seminar at Epsom Hill Police College last September (from whose discussions most

of the material in this circular derives) were in no doubt, however, that the effort would be worthwhile. We hope that this circular will encourage good schemes already underway, stimulate new initiatives and policies, and help to spread "best practice" in this field. If we are to be successful, crime reduction must come to take its place in the collective thinking of every agency and every citizen.

24 JUL 1983

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HOME AFFAIRS

From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

22 February 1983

Dee Muir

inside file cover

The first report of a national study of victims of crime in England and Wales is to be published on Friday, 25 February. While it documents a large volume of unrecorded crime, it does not reveal any increase in the volume of crime as such. You will have seen advance reports of the study in the press and I now attach a copy of the report for your information. As you know, a similar survey has been conducted in Scotland, and the results are to be published separately at a later date.

I am sending copies of this letter and its enclosure to Tim Flesher (No.10) and to the Private Secretaries to the Lord Chancellor and the Secretaries of State for Social Services, the Environment, Wales and Northern Ireland.

Yours sincerely
C. J. Walters

C. J. WALTERS

Muir Russell, Esq.

D. R.

for CF file Home Office
WR
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me

PRIME MINISTER

BRITISH CRIME SURVEY

"shock"

You will have seen reports in the press about the Home Office survey which shows that crime is several times higher than recorded figures. This is not a shock at all; it has been known for a long time that the real figure for crime is many times higher than that recorded in the crime statistics. Many crimes are not reported by their victims and many incidents which are reported to the police are not recorded as crimes.

The survey reports that in 1981 there were four times as many offences of property loss and damage (especially vandalism) than official statistics; there were around five times as many offences of violence (especially sexual offences). Why do people not report crimes of which they are victims? In most cases, especially those of property loss and damage, they feel that the value of the loss and the chances of catching the culprit are too low to justify the trouble of contacting the police; more seriously for sexual offences many women are worried about the kind of questioning and publicity which would ensue from reporting the offence.

There are some more reassuring findings from the survey. Britain is still a relatively safe place. The average household can expect to be burgled only once every forty years (much higher in the inner city); the elderly are in fact the least likely to be victims of violent crimes; most people are very satisfied with the police; most victims feel that police and court practice is about right.

The survey is not evidence of a new crime wave; rather a documentation of a phenomenon which we knew to exist already. The principal lessons from it are:

- i) The real need for a much more concentrated effort on crime prevention, especially to make cars and houses more secure. The Home Secretary has recently been taking more initiatives in this respect.

Crime

- 2 -

ii) The need to make the police much more effective. Hence increases in police manpower under this Government, improvements in their equipment and changes in their tactics to provide a much more feasible presence on the streets (see Sir Kenneth Newman's recent initiative in London).

If this matter is raised in Questions, I would suggest the line to take might be as follows:

Line to Take

Crime is much too high, whether it is measured by the official statistics or by this survey. These figures give the clearest possible backing for this Government's policy of supporting the Police by increasing their manpower and improving their equipment. But we cannot leave it all to the Police, and I hope that all honourable Members will support my right honourable Friend the Home Secretary's campaign to make crime prevention everyone's business.

T. Flesher
Judy Clark
MP

T. Flesher

14 February 1983

January 1983

Research Note No. 2

CRIME, UNEMPLOYMENT AND THE POLICE

Roy Carr-Hill*
Nicholas Stern**

SSRC Programme on Taxation, Incentives and the
Distribution of Income, directed by Professors
A.B. Atkinson, M.A. King and N.H. Stern.

The authors are grateful to Tony Atkinson, Helen Longley,
Jon Stern and Barbara Thompson for helpful comments and
to Derek Kemp for assistance in producing the graphs.

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Not to be quoted or cited without the authors' permission.

January 1983

Crime, Unemployment and the Police

Roy Carr-Hill
Nicholas Stern

Introduction

It has become commonplace to claim that unemployment causes crime. We take by way of illustration just a few examples from the statements which have been made during/last year. The Report of the Select Committee of the House of Lords on Unemployment, May 1982, claimed (p.59) "We believe unemployment to be among the causes of ill-health, mortality, crime or civil disorder". In "Keep Out", Bulletin No.5 August 1982, it was stated that "Economic conditions in general and unemployment in particular are important factors affecting the nature and level of crime amongst the young". Writing in the Unemployment Unit Bulletin No.4, July 1982, p.3, Iain Crow begins "The question is not so much whether there is some kind of association between unemployment and crime, but what the nature of this association is and how important it is compared to other factors". Malcolm Dean in his article in the Guardian of 1 May 1982 concludes with the statement "All the researchers in the field are careful to avoid suggesting that unemployment is the single or even the main cause of crime. What most of them assert, however, is that there is a direct relationship between unemployment and crime".

Has there been recent new research which has produced these firm conclusions ? Do recent figures on unemployment and crime allow us to make these statements ? The answer is no. The statements are based on a small group of research studies most of which refer to the U.S.A. The studies work mostly with official

recorded statistics on crime and thus suffer from the difficulty that the relationship between recorded statistics and actual criminal events may itself be affected by the level of unemployment, the number of police and other variables. That is not the only weakness of the studies but it is the one on which we shall focus in this note.

Some of the additional problems with the research in this area are discussed in the useful and careful review by Roger Tarling "Unemployment and Crime" in the Home Office Research and Planning Unit Research Bulletin No.14, 1982. Tarling reviewed over 30 studies concerned with the relationship between unemployment and crime, although only a handful refer to the U.K., and he states (p.29) "Such studies are subject to a variety of difficulties not the least being that recorded crime may not be a true measure of the level of actual crime. These difficulties will be discussed later, but even leaving them aside the results of the studies do not satisfactorily resolve the question of the impact of unemployment on crime and no discernible pattern amongst the results emerges". For further details and references the reader should consult Tarling's review, but we note here that the work of M.H. Brenner (Economic Crises and Crime, UNSDRI, 1976, Part I) which, although it is the most widely quoted of studies relating to England and Wales, and virtually the only one claiming to identify a relationship between unemployment and crime, suffers badly from the defects of method and interpretation we shall describe.

Argument

It is now well understood in the social sciences, or at least it should be, that where the direction of causation between variables can go in more than one way, then it is misleading to study one

causal relation in isolation. This is the problem of simultaneous causation. In this context one might argue that on the one hand recorded crime rises with the number of policemen involved in recording, yet on the other that more policemen will be recruited when there is more recorded crime. One cannot in these circumstances use a positive correlation between recorded crime and the numbers of police to indicate which, if either, of the causal relationships is operating. Similarly, a positive statistical association, if it existed, between unemployment and recorded crime could not tell us : whether the unemployed commit more crime than the employed; whether crime by the unemployed is more likely to be recorded; whether others are particularly likely to commit offences in areas of high/; whether higher unemployment leads to more recruitment to the police force which in turn leads to more crimes being recorded; and so on. All or none of these effects may be present.

The causal relationships are obviously complex and the statistical problems raised by the examples just given are varied and difficult. Great care is required in any attempt to analyse the statistics, yet it is remarkable how often commentators content themselves with looking at simple correlations. We have, however, argued at length elsewhere (Crime, the Police and Criminal Statistics, Academic Press, 1979) that some lessons can be learned from an analysis of the relation between official crime statistics and various economic and social variables which uses cross-section data (i.e. a comparison between data on different areas or individuals at the same point in time). In our study of a cross-section of police districts in England and Wales for the years 1961, 1966 and 1971 we found that the rate of male unemployment appeared to be an important determinant of the

numbers of policemen per capita but not of the rate of recorded crime. This is not inconsistent with what we shall see below.

One is most unlikely, however, to be able to draw conclusions with any confidence concerning the structure of different relations from the movement of the variables over time at a national level. The main reasons are that the number of observations are too few and movements in the structure of the relationships being examined are too many for one to be able to identify the magnitude or even the direction of the important effects. Certainly, one could not hope to disentangle relationships as potentially complex as those between unemployment, crime, the criminal statistics and the police. In our book we showed, for example, that one could not accept the hypothesis that the form of the causal relationships was invariant over the years 1961, 1966 and 1971 and illustrated the importance of considering simultaneous relationships and the relationship between recorded statistics and crime. Yet Brenner compounds virtually all possible difficulties by ignoring simultaneity, dismissing the recording problem and dealing with only simple time-series correlations. In these circumstances Brenner's correlations cannot be taken seriously as evidence of any causal link from unemployment to crime.

We illustrate these difficulties with a simple examination of the statistics on crime, unemployment and the number of police for the last decade. It must be emphasised that this is only an illustration. We do not believe that one can draw serious conclusions about causation from an analysis of this type for the reasons we have presented above. The figures are presented, together with our commentary, only to show that the simplistic, but unfortunately common, approach to these types of data does not provide even superficial support for the conclusion that unemployment causes crime.

The numbers are set out in Table 1. The total of serious offences has risen substantially from 1970 to 1981 and so have the number of policemen and the level of unemployment. One hypothesis could be that the increase in unemployment was a major cause of the increase in crime. Another is that the increase in the number of police played an

important role in an increase in the number of offences being recorded. We have argued that great care is required if one is to characterise the relative importance of these arguments from data on crime and we shall see that the data presented, and these are the data that are often invoked, cannot tell us which, if either, of the explanations is to be believed.

A graph of the three variables "total serious offences", "actual daily strength of the police force" and "number of male unemployed" is provided in Figure 1. Male unemployment is probably a more reliable indicator of the state of the labour market than the sum for males and females (given difficulties of interpretation of registration data for females). As is clear from the figures in Table 1, all three variables rise over time.

The pair-wise correlation coefficients are :

total serious offences and number of male unemployed	0.880
actual daily strength of the police and numbers of male unemployed	0.945
total serious offences and actual daily strength of the police	0.872

and the high coefficients (all are highly significant in the statistical formal sense) reflect the fact that all three series are increasing.

Given that there is an upward trend in all three variables and that we are asking questions about increases in crime, unemployment and the police force, it is sensible to try to examine the relationship between increases in these variables from one year to the next. The data on these increases are set out in Table 2 and are displayed graphically in Figure 2. We see from the table and the graphs that there is a fairly clear association between increases in unemployment and the increases in actual daily strength of the force but it is hard to detect visually an

association between increases in offences and increases in the other two variables. This is supported by an examination of the correlation coefficients. The pair-wise correlation coefficients between the increases are :

	Correlation coefficient	Significance level
Increases in total serious offences and increases in numbers of male unemployed	0.460	0.090
Increases in actual daily strength and increases in numbers of male unemployed	0.829	0.002
Increases in total serious offences and increases in actual daily strength	0.241	0.251

Only the correlation between increases in actual daily strength (0.829) and increases in numbers of male unemployed/is significant at conventional 5% level. Thus not even the most simple-minded interpretation of these statistics would lead one to accept the explanation which associates the increase in crime with the increase in unemployment.

We suggest, however, from other evidence that changes in the proportion of actual events that are recorded as offences may provide an important explanation in the increase in the number of recorded offences. This evidence comes from an analysis by the Home Office of questions on burglary and theft in a dwelling included in the General Household Surveys (GHS) of 1972, 1973, 1979 and 1980. Whilst not claiming that the GHS provides a full and accurate estimate of the state of crime the results are instructive. The comparison of these offences, as estimated from the GHS and the official crime figures, is presented in Table 3, which is taken from p.29 of the Criminal Statistics for England and Wales, 1980 (Cmnd.8376). And the comment on these results in the Criminal Statistics, 1981, p.28 (Cmnd.8668) was "The proportionate increase in the estimated number of such offences committed over the period 1972-80 at an average rate of 1% a year was not significant and was not as large as

that for offences recorded by the police, which increased at an average annual rate of 4% a year. The larger increase in those offences recorded appeared to have been due mainly to an increase in the proportion of such offences committed which were recorded" (our italics). The Home Office have been clear and open about the way the recording effects have operated and it is very regrettable that other commentators have not shown the same caution.

It is, of course, interesting to speculate on why the increase in the proportion of offences that are recorded might have occurred. And one might suppose that this has been associated with the increase in unemployment. The unemployed may be more visible, and hence more likely to both have their acts recorded as offences and be recorded as offenders. Thus, it is possible that the proportion of unemployed amongst apprehended offenders is rather higher than the proportion of unemployed amongst offenders as a whole. The increase in the proportion of offences which are recorded may also be associated with the increase in the number of police : for example, householders may be more willing or able to report to the police if there are more of them in evidence. Alternatively, it may have been the consequence of a growth in the number of domestic insurance policies for which claims for reimbursement of theft require the reporting of the theft to the police. It may also be true (although this would not appear in the GHS) that employers are more willing to report crime at work where there is greater unemployment. A careful examination of these issues would, of course, involve a much deeper analysis of data than has been presented here.

Summary

Our conclusions from examining the data for England and Wales 1970-81 may be summarised as follows :

- i) There is no significant association between increases in recorded crime and increases in unemployment.
- ii) There is no significant association between increases in recorded crime and increases in the number of police.
- iii) The increases in unemployment do seem to be significantly associated with increases in the number of policemen.
The number of / policemen is now close to the designated establishment for the first time in decades. The increase in relative payment to the police may also have been important in explaining the increase in recruitment.
- iv) A major part, possibly most, of the increase in recorded crime may be due to the increase in the proportion of offences recorded rather than in the number of offences which occur.

This puts increases in crime and their possible relation with increases in unemployment in a very different perspective from that associated with the comments presented at the beginning of this note. It is quite wrong to pretend that there is a well-attested relationship. Similarly, it is absurd to lay great emphasis on increases in total serious offences when most of that increase is due to a change in the proportion that is recorded. The issues involved are / ^{too} important to be treated in the casual way invoked in recent utterances. In particular, given that unemployment is likely to remain high for several years it is grossly unfair on those who may be or become unemployed to associate them with an increase in criminality when the link is not established and the increase itself may be spurious. The case against the high levels of unemployment we are seeing is surely overwhelming for a whole

host of reasons. In arguing against these high levels of unemployment it is therefore both unnecessary and unhelpful to taint the unemployed with criminality.

	CRIMINAL STATISTICS ENGLAND AND WALES		POLICE STATISTICS ENGLAND AND WALES		UNEMPLOYMENT ENGLAND AND WALES	
	Total Serious Offences	Numbers Cleared Up	Actual Daily Strength (on December 31st)	Estab- lishment 31st)	Numbers of Males	Rate per cent
1970	1568	705	89,251	108,406	417.9	3.2
1971	1666	753	91,810	109,095	535.2	4.2
1972	1690	775	94,279	110,255	591.3	4.7
1973	1658	772	94,874	112,168	415.7	3.2
1974	1963	869	96,068	114,637	422.0	3.3
1975	2106	922	99,923	116,007	661.3	5.1
1976	2136	916	101,042	116,880	876.9	6.4
1977	2463	1006	98,935	116,980	901.8	6.7
1978	2396	998	99,134	117,668	871.5	6.5
1979	2377	981	102,360	118,322	800.9	54.9
1980	2521	996	105,513	118,930	1032.9	7.7
1981	2794	1056	119,575	120,008	1662.2	12.1

Sources: For columns 1 and 2 Criminal Statistics, England and Wales 1976, Cmnd 6909 and 1981, Cmnd 8668 HMSO, London.

For column 3 and 4, Report of HM Chief Inspector of Constabulary, 1976, HC 414 and 1981 HC 463

For Columns 5 and 6 Employment Gazette, Summary 1976 and January 1982, Department of Employment.

First Differences in Statistics of Crime, Police and Unemployment, 1970-81 - TABLE 2

	DIFFERENCES IN CRIMINAL STATISTICS ENGLAND AND WALES		DIFFERENCES IN POLICE STATISTICS ENGLAND AND WALES		DIFFERENCES IN UNEMPLOYMENT ENGLAND AND WALES	
	Total Serious Offences	Numbers Cleared Up	Actual Daily Strength	Establishment	Numbers of Males	Rate per cent
1970-71	98	48	2359	689	144.5	1.0
1971-72	24	22	2469	1160	65.3	0.5
1972-73	-32	-3	595	1913	-205.7	-1.5
1973-74	305	97	1194	2469	1.5	0.1
1974-75	143	53	3855	1370	262.1	1.8
1975-76	30	-6	1119	873	223.0	1.3
1976-77	227	90	-2107	100	41.5	0.3
1977-78	-67	-8	199	688	-32.3	-0.2
1978-79	-19	-17	3226	4654	-76.0	-0.6
1979-80	144	15	3153	608	260.8	1.8
1980-81	273	60	14062	1078	690.4	4.4

Source: Derived entirely from Table 1

TABLE 3

Offences of Burglary and Theft in a Dwelling

England and Wales

	Year of Survey			
	1972	1973	1979	1980
	Number of offences (thousands)			
Estimated number ⁽²⁾ of offences committed (from General Household Survey)	495±58	458±54	537±62	513±60
Corresponding number of offences recorded (3) by the Police (from Home Office Statistics)	249	229	298	317
	<u>RATIO</u>			
Ratio ⁽²⁾ of estimated offences committed to those recorded	1.99±0.24	2.00±0.24	1.80±0.22	1.62±0.20

(1) Those interviewed in each survey were asked to recall offences committed during the immediate preceding 12 months, thus the offences recalled occurred in both the survey year and the previous year.

(2) The specified range corresponds to the 95 per cent confidence region for the estimates.

(3) Adjusted to take account of the recall period of each survey spanning 2 years.

Source: Criminal Statistics, England and Wales 1980 Home Office, 1981, CMND 8376 p.29.

Figure 1 Time Path of Main Variables

----- Total Serious Offences
_____ Actual Daily Strength
----- Number of Male Unemployed

See Table 1 for numbers illustrated by graph. Vertical scale has been adjusted to facilitate comparison.

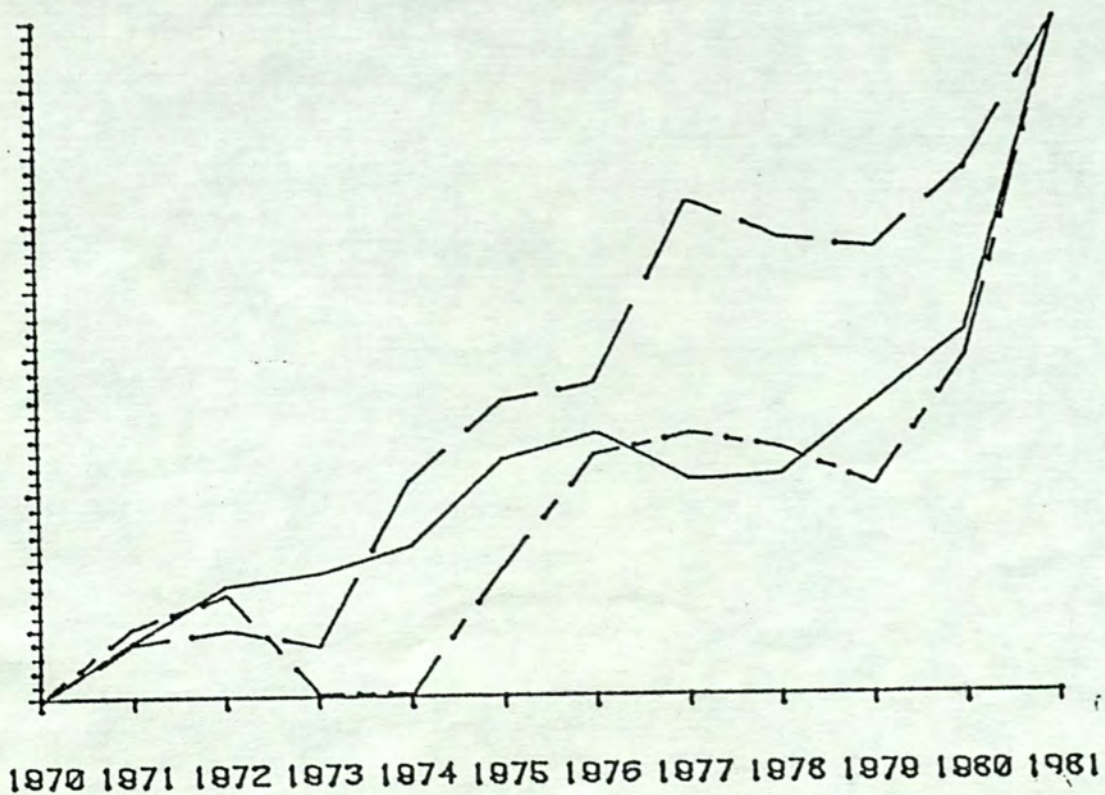
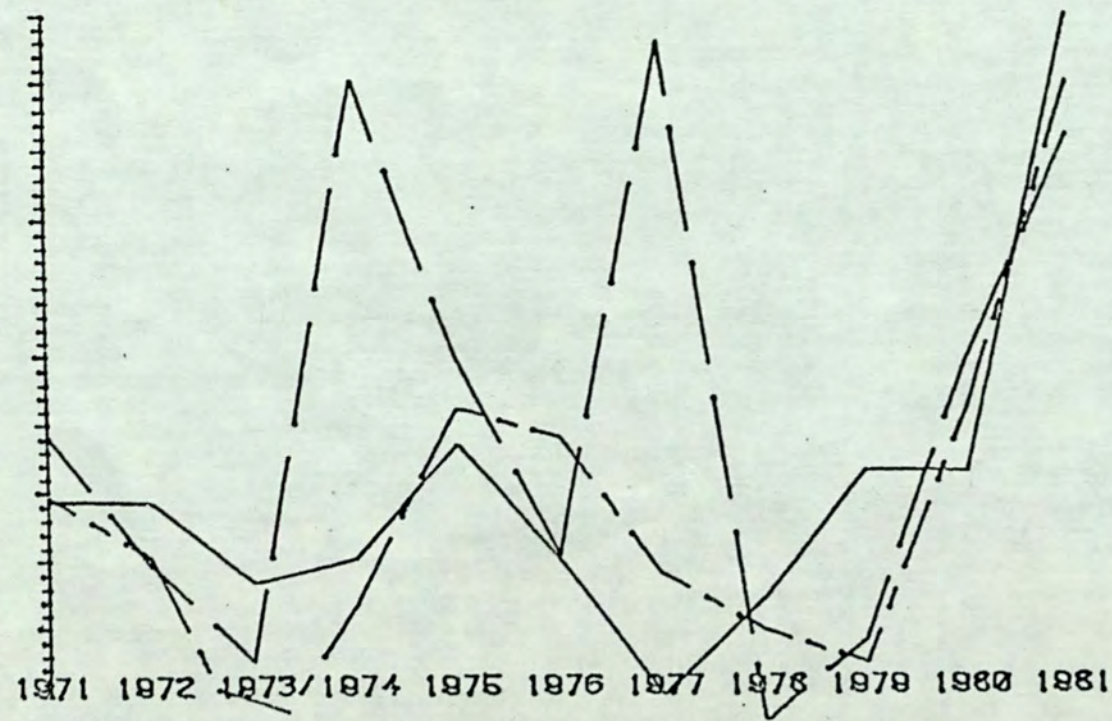


Figure 2 Time Path of Increases in Variables

----- Increases in Total Serious Offences
_____ " " Actual Daily Strength
----- " " Number of Male Unemployed

See Table 2 for numbers illustrated by graph. Vertical scale has been adjusted to facilitate comparison.



PRIME MINISTER

Public Opinion Poll on Public Attitudes to Crime and Punishment

You may be interested in the attached which has come to me via my previous connections. It is the report of an opinion poll carried out by the Observer and commissioned by the Prison Reform Trust which is a pressure group established by a number of public figures such as Sir Monty Finniston, who is the Chairman, and David Astor. As you would expect, the report which is written by the Trust's Director, Dr. Stephen Shaw, is written very much from a liberal point of view, but there are a number of interesting points to arise from the surveys of public opinion. If you have the time, the report is worth browsing through, but particular points are at:-

Flag A: page 7: crime is perceived as equal to inflation as the second most important social problem. The concern (see Table 2) is more or less the same throughout the social classes.

Flag B: page 16: Table 18: there is considerable support for the Home Secretary's emphasis on doing something about the state of the prisons, and in particular for his strategy on building new prisons. It is interesting to note that in response to the question (which was admittedly slightly loaded) only 11% wished to leave the situation as it is.

Flag C: page 20: Table 24: of a number of measures which might reduce the prison population, overwhelmingly the most popular is community service, followed by greater use of compensation of victims, amnesties and increased use of bail. The least popular options were increased parole, more suspended sentences and shorter sentences.

/ Flag D

Flag D: pages 26 and 27: the conclusions, which, as I said,
are written very much from the Prison Reform Trust's
liberal point of view.

TS.

8 October, 1982.

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7 September 1982

The Prime Minister has noted the contents of the Home Secretary's minute of 31 August about the review of public order law and next assessment of the threat to the United Kingdom posed by the current situation in the Middle East.

A. J. COLES

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J.F. Halliday, Esq.,
Home Office.

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Prime Minister

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PRIME MINISTER

THE REVIEW OF PUBLIC ORDER LAW:
THE CURRENT POSITION IN THE MIDDLE EAST

Your Private Secretary's letter of 9th August to mine conveyed your agreement that it is neither necessary nor appropriate to introduce a statutory power for the police in Great Britain to order an assembly to disperse, with a related offence of non-compliance.

That letter also asked about the effect of the review of public order law in the context of possible problems on the streets of London resulting from the current position in the Middle East, and of the powers of the police either to prevent potentially troublesome gatherings from taking place or to deal with them if they occur; and for an assessment of the threat to the United Kingdom posed by the Middle East situation.

I have obtained an assessment* of the current terrorist threat, which has been agreed with the Security Service and the Metropolitan Police Special Branch.

The review of public order law has covered the law and police powers in respect of marches and demonstrations, whether or not they relate to recent events in the Middle East. The essential conclusion of the review is that substantive statutory change is not required. The review has concluded that the powers to impose conditions on marches or to ban them, under section 3 of the Public Order Act 1936, should be retained and be exerciseable to prevent public disorder. The review would preserve the current arrangement that marches may be banned if serious public disorder would otherwise result; that the initiative for making a banning order rests with the chief officer of police; and that,

*copy enclosed

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the Metropolitan Police District and the City of London, the respective Commissioners may make orders with my consent (outside London, an order would continue to be made by the local authority, on application from the chief constable and with the consent of the Secretary of State).

I intend to propose some amendments to the provisions, including a reduction in the test for the imposition of conditions on a march, a specific power to ban one march, and the introduction of a national requirement to give advance notice of the intention to hold a march. But these amendments would be comparatively minor. They would merely offer enhancement of a framework of control which has proved fundamentally sound.

The provisions of section 3 of the 1936 Act do not apply to static demonstrations. The review has concluded that the section should not be extended to such demonstrations. As I mentioned in my minute of 5th August, it has also concluded that there should be no attempt to codify the common law powers of the police to prevent or deal with public disorder.

The law already provides for the regulation of static assemblies and demonstrations in order to maintain public order. Statutory provisions include the law on obstruction, of the highway and of the police, as well as section 5 of the 1936 Act (the offences of using words or behaviour, or distributing or displaying material which is threatening, abusive or insulting, with intent to cause a breach of the peace, or whereby a breach of the peace is likely to be threatened). Provisions of the common law, particularly breach of the peace and unlawful assembly, also apply. In addition, the courts in England and Wales have endorsed the view that the police have a wide power, in pursuance of their common law duty to preserve the peace, to regulate the conduct of assemblies and to prevent a meeting or demonstration assembling or to disperse one already assembled if they have reasonable cause to believe that to do so is necessary in order to preserve or restore public order.

Current statute and common law seem, therefore, adequately to equip the police to deal with potential or actual public disorder here linked with the situation in the Middle East. The police are alert to the possible need to exercise their powers and to enforce the law in

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is context. The Metropolitan Police, in particular, have extensive experience in dealing with politically motivated marches and demonstrations.

Assessment of the terrorist threat will be kept under constant review. I will, of course, report to you any significant changes in the assessment.

I am copying this minute to Cabinet colleagues, to the Attorney General and the Lord Advocate, and to Sir Robert Armstrong.

Law

31 August, 1982

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PRESENT POSITION IN THE MIDDLE EAST: ASSESSMENT OF THREAT TO THE UNITED KINGDOM

The Israeli invasion of the Lebanon must be assumed to increase the general threat from Arab terrorism in Western Europe. Some Palestinian terrorist groups will be weakened and dislocated by their removal from Beirut, but those groups well placed to do so, particularly those based already outside the Lebanon, may quickly engage in terrorist attacks in countries in the Middle East and elsewhere, including the UK, if only to demonstrate that the Palestinians have not been crushed.

2. In the longer term, there is likely to be an increase of activity in Western countries by all Palestinian terrorist groups, with the emphasis on Israeli/Jewish and American targets. The Arab states which in the eyes of the terrorists have failed to give adequate support to the Palestinians are also considered to be at risk, in particular Jordan, Egypt and Saudi Arabia, although states like Syria and Libya in addition, well known for their support of the Palestinians, are now being criticised for falling short of Palestinian expectations.

3. Events in the Lebanon have not increased the threat to British targets in general, but there is a possibility of reprisals for the arrest of the three Arabs involved in the recent attack on the Israeli Ambassador in London. Although there is an increased general risk to Jewish/Israeli and United States interests in the UK, there is no reason to suppose that terrorist activity here will rise to the levels experienced on the Continent, especially in France. The Palestinian cause is not supported in the UK by indigenous terrorist groups similar to "Action Directe", and the success of police anti-terrorist operations in this country may have a deterrent effect.

4. The co-operation between the British and French police in the case of the Frenchman arrested recently in Portsmouth, who is believed to be a member of the Orly group of the Armenian Secret Army for the Liberation of Armenia, makes it likely that the threat of Armenian terrorist attacks on British targets abroad and especially in France, is higher than previously. ASALA may also be provoked to attack targets in the UK. They are understood to have threatened the UK amongst other countries after the recent attack at Ankara if Armenian prisoners were not released, but no Armenian terrorists are held in the UK and it is possible that the report of their statement was inaccurate.

SECRET

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5. Some Middle East governments especially Iraq, Iran, Libya and Syria continue to engage in terrorist activity. They use such tactics mainly as a means of striking at their dissidents abroad but also as a means of attacking other enemies. In the case of Iraq and Iran, for example, there have been suggestions of attacks on one another (eg the explosion at the Iraqi Embassy in Paris on 11 August was allegedly claimed by the Movement for Islamic Action for Iraq which is an Iran-backed Iraqi dissident group).

6. There is current intelligence that the Iraqis are preparing to take violent action against members of the Dawa Party in the UK, a Shi'a group opposed to the regime of Saddam Hussein. Recent intelligence has also suggested that the Libyans have at least considered the possibility of further violence in this country. Threats have been issued to newsvendors selling anti QADHAFI literature in London and two incidents involving explosives at the home of an Arab journalist, well known for his criticism of the Libyan regime, are still under police investigation. A plot by the Syrians to attack a Jordanian target here in April appears to have been aborted.

SECRET



Home Affairs
R

10 DOWNING STREET

From the Private Secretary

9 August 1982

The Prime Minister has seen the Home Secretary's minute of 5 August about proposals for changes in the law on public order and agrees with the Home Secretary's conclusion that to introduce new "Riot Act" provisions would be unjustified.

The Prime Minister is, however, concerned that the present Middle East situation may produce problems on the streets of London and she wishes to be sure that the review of the Public Order Act 1936 will enable the police as far as possible to prevent potentially troublesome gatherings from taking place and to cope with them if they do take place. I should be grateful if in due course the Home Secretary could let the Prime Minister know the effect of the review of the Public Order Act in this context together with an assessment of the threat posed by the Middle East situation.

I am sending a copy of this letter to the Private Secretaries to members of the Cabinet, the Attorney General, the Lord Advocate and to Sir Robert Armstrong.

TIM FLESHER

John Halliday, Esq.,
Home Office.

B

I agree with the conclusions Prime Minister:
on the 'Riot Act'. But I
am not quite sure about
the position on the Public Order
Act 1936 - and



The Home Secretary concludes
that a new 'Riot Act' would
not be justified, in terms of
its effectiveness. Carter took
his line? cc III
JF
6/8

PRIME MINISTER

is possible revision. In view of the

Multiple riot situations - I feel we may have
some very serious events in London, streets and I want to

The civil disturbances of last year brought under close scrutiny
the range of resources needed in combination with other arrangements to
secure the capacity of the police to maintain public order and to deal
effectively with disorder. My minute of 29th June to you reported
among other things improved arrangements for monitoring the potential
for disorder and improved provision in protective clothing, vehicles
and other equipment (including, as measures of last resort, aggressive
equipment such as C.S. and baton rounds), tactics, public order train-
ing and the mutual aid system, under which chief officers of police
provide assistance to colleagues in need, if necessary under central
co-ordination.

be sure
we have
all the
powers
fruit to
S. changes
from
I think
please and
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them if
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not

In parallel to these practical measures for improved operational
preparedness, the review of public order law on which the Secretary of
State for Scotland and I published the Green Paper "Review of the Public
Order Act 1936 and related legislation" in April 1980 has encompassed
the disturbances. It has taken account of Lord Scarman's observations
on public order law in his Report of his Inquiry into the Brixton
Disorders, of the Report of the Royal Commission on Criminal Procedure
and of the Law Commission's work on offences against public order: the
Commission published a Working Paper, No.82, on this in March and is
likely to publish its final report in the autumn.

It is in this context that I have taken forward the invitation to
me from Cabinet to consider whether, in light of the civil disturbances,
it was necessary to introduce changes in the law like those which were
contained in the Riot Act 1714. For convenience of reference I enclose
a copy of my minute of 14th July 1981 to you about this. On 16th July,
Cabinet agreed with the third option, and my preference, in the minute,
that I should indicate in the Commons debate on the civil disturbances
that day that there might be some value in a provision such as that
described in the attachment to annex B, but that it should be set in the
context of other changes to assist the police in maintaining order and
dealing with riots.

(frag A)

(frag B)

(Flag C) I enclose a copy of the relevant extract from the Official Report of my speech on 16th July. That reflected the further agreement at Cabinet, that I should examine the value of the provision in consultation with the Lord Chancellor, the Attorney General and the Lord Advocate, and return to Cabinet with our conclusion. Given the context of the public order law review, I have also consulted the Secretary of State for Scotland.

This minute reports my conclusion, with which the colleagues whom I have consulted are content, that it is neither necessary nor appropriate to introduce a statutory power for the police in Great Britain to order an assembly to disperse, with a related offence of non-compliance.

The limitations of and difficulties with such a provision were described in annex B to my minute of 16th July. In brief, they are that it would not fill any significant lacuna in the offences and police powers which relate to unlawful demonstrations and riots, and that there would be difficulties in justifying whatever number were chosen to constitute an assembly, in distinguishing assemblies or groups who might not themselves be causing trouble but who might be opposed by others who wished to cause it, and in attempting not to catch innocent bystanders or passers-by.

The developments since last July have reinforced the belief that, because of its marginal effect and its difficulties, the provision should not be introduced, and that an announcement of this should be acceptable generally. As I indicated in my speech on 16th July last year, the provision could not catch disturbances taking the form of running gangs of looters battling with the police. Although it could have applied to a set-piece confrontation with the police such as that in Toxteth, in those circumstances there was no doubt of the legal powers already available to the police to deal with the disorder. The problem lay in the ability of the police to employ their powers and enforce the law against violence of an unprecedented ferocity. The improved provision for the police reported in my minute of 29th June was the right response

to that. Whilst every effort is being made to avoid it, it would, of course, be complacent to assume that there will be no further attempt to bring about disorder such as that which we saw last year. But, in that event, I hope that the police would deal with the disorder firmly and effectively, because of the better provision which we have encouraged.

Lord Scarman considered the case for a statutory power to disperse an assembly, and concluded that "the existing law is not inadequate and that there is therefore no need for the proposed reform", (Report of the Inquiry, paragraph 8.62). The measure is considered in paragraph 7.31-7.40 of his Report. It would be wrong to seek to make too much of the difficulties which Lord Scarman saw in formulating the power. His objections included problems of establishing that a public warning had been given, of defining the area from which dispersal was to be made, and in the interpretation of any defence such as that of "reasonable excuse". None of these elements forms part of the provision which we considered last July and it is doubtful if these objections of Lord Scarman would prove insuperable. But it is significant that he emphasises the adequacy of the current law and police powers and the difficulty in finding an acceptable formulation of an offence which preserved a balance between the necessity for preventing disorder on the one hand and the need to restrict individual liberties as little as possible on the other.

The Law Commission's Working Paper and the final report which it will produce should prove to be means of addressing the evidential and other difficulties which are said by some to stand in the way of the successful prosecution of the common law offences such as affray and riot, difficulties which often underly advocacy of a simple, summary offence of failure to disperse.

Some police officers will be disappointed at this outcome but we believe that what they really want - heavy penalties for an offence which requires the police to prove very little in order to secure a conviction - is impossible even if it were desirable.

The review of the Public Order Act 1936 and related legislation has concluded that there should be no attempt to codify the common law powers of the police to prevent or deal with public disorder. To leave public order powers at common law need not affect the implementation of recommendations of the Royal Commission on Criminal Procedure for the codification of powers of the police in relation to the prevention and detection of crime. The Royal Commission was not concerned with the public order powers.

The conclusion of the review of the 1936 Act is subject to consideration of the outcome of the Law Commission's work, but it may well prove that codification of the public order offences would not require or depend upon legislation on powers. The general conclusion that the powers of the police in relation to public order should be left at common law does not in itself determine or depend upon the decision on a statutory power of dispersal, although if such a power were introduced it might be difficult to relate that to the retention of other powers, such as that to limit the number of an assembly, at common law. But the conclusion of the review does focus on the advantages of retaining the flexibility of the common law in this area, and provides a coherent context for a decision not to introduce a statutory power of dispersal.

I propose to announce the conclusions of the review of public order law in a White Paper. Unless future events on the streets call for an earlier date, I envisage publication, after appropriate consultations on the draft with colleagues, in October or November. The White Paper would be a suitable vehicle for announcing the conclusion that a statutory power of dispersal should not be introduced.

I should be grateful to know if you are content with that conclusion. Unless I hear to the contrary from the colleagues to whom I am copying this by 3rd September I propose to take it that they are content.

I am copying this to Cabinet colleagues, to the Attorney General and the Lord Advocate and to Sir Robert Armstrong.

how

5

August 1982

17 JUL 1931



PRIME MINISTER

At Cabinet last week it was agreed that I should give urgent consideration to whether it was now necessary to introduce changes in the law like those which were contained in the Riot Act 1714. This I have done.

The likely value of such a provision, and the practical difficulties to which it could give rise on the ground, are set out in the attached note, together with a brief description of the objective of the Act of 1714, and the common law powers. We now need to decide whether to proceed with legislation, and in the light of this, what approach I should take to the issue in my speech in the debate on Thursday afternoon.

I had the opportunity to test the opinion of backbenchers on the issue at the well-attended meeting of the Home Affairs Group on Monday evening. A minority of those present were in favour of some emergency legislation; a majority said they had grave doubts about the value of any "Riot Act" provision at all. Others who were prepared to consider introducing such a provision were not eager to do so as an emergency measure.

Against that background, we could certainly move to introduce a provision immediately. (A note of what the provision might look like is also attached). Its practical value might be limited, and it would certainly give rise to some difficulties of enforcement. But to act quickly would be a symbolic gesture.

On Thursday afternoon I must, therefore, choose between announcing the introduction of a provision as an emergency; rejecting the introduction of a provision altogether; or indicating that there may be some value in such a provision, but that it should be set in the context of other changes to assist the police in maintaining public order, and dealing with riots, (in which case I consider that it would nevertheless be prudent to draft the provisions of a Bill on a contingency basis).

I would prefer the third course. The introduction of legislation immediately would be portrayed as a sign of panic, at a time when the police, better equipped, are getting things under control. We shall certainly run into demands that the legislation should be temporary. If we can set it in a broader context, we shall be better able to put the new provisions in perspective.

I am copying this minute to our Cabinet colleagues, to the Attorney General and to Sir Robert Armstrong.

Lnw

14 July 1931

THE RIOT ACT 1714 AND COMMON LAW OFFENCES

The essential provisions of the Riot Act 1714 were that, if twelve or more people who were "unlawfully, riotously and tumultuously assembled together, to the disturbance of the public peace" continued to be so assembled more than an hour after a justice had by a proclamation in The Queen's name commanded them to disperse, their offence was translated from the lesser offence of misdemeanour into the graver offence of felony; that they might then be "seized and apprehended by any justice or person assisting him"; and that those who thus enforced the law were fully indemnified if, by reason of the rioters resisting their efforts, in dispersing or seizing the rioters they "killed maimed or hurt them". Some recent newspaper descriptions of the effect of the Riot Act 1714 are misleading in that, contrary to what they suggest, mere presence at the scene, as opposed to active participation in the riot, was not an offence.

The Riot Act did not create the offence of riot. Like those of affray, rout and unlawful assembly, riot is an offence at common law, which existed long before the Act of 1714 and likewise survived its repeal. The Act did not remove the common law powers of the civil authority to disperse an assembly if it seemed likely to cause a breach of the peace or was breaching the peace. Those powers co-existed with the Act and remain. Indeed, if anything the Act placed some limitation on, or at least clarified, the exercise of the powers, by implying that it would be extremely imprudent to use an armed force against a mob until the proclamation had been made and an hour had elapsed. The Act was, of course, passed in a different historical context, when there was no effective police force and the response came either from the justice and such few constables and assistants as he could muster or from troops with muskets and sabres.

The abolition of the distinction between misdemeanour and felony by the Criminal Law Act 1967, which consequentially repealed the Act of 1714, did not diminish the gravity of the offence of riot. That is an indictable offence, for which considerable penalties are available to the Crown Court. There may, of course, be evidential difficulties with trial on indictment, which the Law Commission will no doubt look at in its longer term consideration of the possible codification of the common law public order offences.

DISPERSAL OF RIOTOUS ASSEMBLIES:

THE VALUE AND DIFFICULTIES OF A NEW PROVISION

The police already have wide-ranging powers to take action against rioters in statute and common law. These cover criminal damage, theft, assault on the person, threatening or offensive conduct, and obstruction. At common law they already have power to disperse an assembly where an obstruction is being caused, or they reasonably apprehend a breach of the peace, or the assembly itself is judged to be unlawful. A new statutory power to disperse assemblies would make it simply an offence for people merely to be present in riotous circumstances. It would be directed towards assisting the police to deal with a large crowd of rioters opposing them, rather than the most common theme of recent disorders, namely running gangs of looters. Some senior police officers believe that such a change would be valuable because they argue there is a degree of uncertainty about their common law powers which make the police reluctant to use them, and those who riot reluctant to accept their use. It is also evident that bringing charges for common law indictable offences is not always quick nor necessarily successful.

Apart from the limitations of the measure under consideration, certain practical difficulties would have to be resolved. The first is how many people should constitute an assembly. The minimum of three reflects the definition of an assembly or a riot at common law. But it is not a number which in commonsense terms constitute a riot. The smaller the number chosen, the more likely the criticism will be that the police had failed to deal with small groups of offenders under any such new provision, when in fact it was not appropriate.

Secondly, it would be necessary to try to distinguish in the provisions those assemblies or groups who may not themselves be causing trouble, but who may be opposed by others who wish to cause trouble. If the provisions were limited to use against those who had already caused trouble, which would be one way round the difficulty, this would then prevent the police from using a new law to disperse assemblies where they had hard intelligence that major trouble was likely.

Thirdly, it will be necessary to try to draft the provisions in such a way as to avoid catching innocent bystanders or passers-by. Representatives of the media will, no doubt, express concern that journalists might be arrested; and there is the problem of picketing.

Parliamentary discussion of any provisions will focus on some of these practical problems, but provision for the following purposes might prove acceptable (the drafting, of course, being a matter for Parliamentary Counsel).

PROVISION FOR THE DISPERSAL OF RIOTOUS ASSEMBLIES

Where any police officer not below the rank of Assistant Chief Constable, or Commander in the Metropolitan Police, is of the opinion that an assembly of three or more persons is causing or has the purpose of causing serious disorder, he may order the persons constituting the assembly to be required to disperse forthwith. (How and by whom this should be done need perhaps not appear on the face of the Bill, but would have to be announced to the House).

Where such an order is given with respect to an assembly, any person who knowing the order to be given thereafter joined or remained in the assembly or otherwise failed to comply with the order, would be liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding £1,000, or both.

A constable would, without warrant, be empowered to arrest any person reasonably suspected by him to be committing an offence under these provisions.

Mr. Norman Atkinson (Tottenham): Will the right hon. Gentleman give way on that point?

Mr. Whitelaw: I was asked yesterday whether I would consider reserving to myself a decision to use CS gas or plastic bullets to restore order in riotous circumstances. I have reflected carefully on this, but believe this would, on balance, be mistaken. Despite the fact that any Home Secretary must always be available to be consulted urgently at all hours of the day and night, the responsibility for operations is that of the chief officer alone. He is on the ground. Only he can be in full possession and appreciation of the facts in what, by definition, will usually be very rapidly changing circumstances. I therefore believe that the proper responsibility of the Home Secretary is best discharged in authorising the guidelines and circumstances. I have set out the principles on which these will be based, and will inform the House in due course when the details have been decided.

Mr. Norman Atkinson rose—

Mr. Whitelaw: Many criminal charges arising from riots are now being dealt with in the magistrates' courts. The more serious will be going to the Crown Court for trial. We must be grateful to the magistrates and their staff on whom this extra burden, involving additional sittings, has fallen. The final responsibility for deciding what priority should be given to any case or class of case in the Crown Court rests on the judiciary and, in particular, on the presiding judges of the courts. I have no doubt that they will do whatever circumstances allow to bring these cases to trial without delay.

Some of the charges will result in custodial sentences. It must fall to me to ensure that I provide for necessary facilities so that the sentences can be properly fulfilled. As the House will be aware, the prison population had been increasing even before the recent disturbances began. It now stands at the figure of 45,500. The prison system is under great pressure and I warmly appreciate the prison service's response in dealing with the additional numbers who have been committed to its custody and the inevitable strains that the present level of population places on it. We are discussing with the staff the measures that are now required.

Within the system, arrangements are in hand to provide extra detention centre places at Lowdham Grange in Nottinghamshire and at Erlestoke House in Wiltshire and these will be ready next week. I have also made arrangements with my right hon. Friend the Secretary of State for Defence to use military camps to provide additional prison accommodation. The first of these will be at Rolleston on Salisbury Plain and others will be brought into use if they are required. They will accommodate suitable inmates drawn from the prison population as a whole and they will be staffed by members of the prison service.

I have a duty to ensure that the law that the police and the courts have to enforce not only sets the appropriate limits on what is tolerable but also provides a sufficient means to combat violence and effectively supports the police in their task. I should therefore comment on the recent calls to reintroduce the Riot Act.

Mr. Norman Atkinson rose—

Mr. Whitelaw: In fact, the Riot Act 1714 had as its object not the creation of a new criminal offence but the

conversion of what was already a misdemeanour into a felony. Under its provisions, people ordered to disperse, were made guilty of felony if they did not do so but instead continued to riot. Many people have something different in mind—that it should be a criminal offence simply not to disperse when ordered to do so. I have considered carefully whether such a provision would have helped quell recent disorders.

We must remind ourselves of what was the nature of these disorders. They were least often, but most dangerously, a large group of violent people confronting the police. They were most often scattered groups of looters causing damage to property. Riot Act provisions are mainly designed for the first category. There are in this field wide-ranging existing powers—in common law offences of riot, rout and unlawful assembly and powers to arrest for actual or threatened breach of the peace. There is also section 5 of the Public Order Act 1936 and the offence of obstructing the police in the execution of their duty. But, despite the range of powers and penalties currently available, I am persuaded that it is indeed often difficult for the police to isolate and identify particular wrongdoers in such violent circumstances.

I am equally sure that it would be wrong, in any event, to hurry forward in this difficult field. I therefore intend to examine in consultation with my right hon. and learned Friends the Lord Chancellor, the Attorney-General, and the Lord Advocate, the value of such proposals in the overall perspective of what new powers generally should be available to the police to maintain order and to deal with disorder.

So far, I have spoken about my duty to take the measures necessary to enable the police and the courts to deal with street violence effectively when it has occurred. It is the duty of every Government to underline, and act on, their fundamental responsibility to uphold the rule of law. I also have the other and wider responsibilities, both as Home Secretary and as a member of the Government. These are simple to state, but complex to carry out and achieve. Put briefly, they are to promote the conditions in which violence does not flourish but is rejected, so that a peaceful and harmonious society is a reality and seen to be a reality for all people.

Many of the young people committing criminal violence on the streets in recent weeks live in inner city areas, which suffer relatively from a range of disadvantages, including serious unemployment over a number of years. Youthful violence and youthful frustration have been evident in outbreaks of football hooliganism and other acts of violence, quite apart from the much more serious outbreaks that have occurred in the past two weeks. The complexity of the issue has to be recognised rather than reduced to a matter of simple slogans. We must, therefore, be prepared to acknowledge some measure of failure in our society, particularly as regards young people. We have to work to minimise the sense of frustration that is evident, and try to prevent it turning into violence.

The problems of urban decay and deprivation are intractable and deep-seated, particularly in Merseyside, despite decades of efforts to remedy them and the expenditure of very considerable sums of public money.

My right hon. Friend the Prime Minister has asked my right hon. Friend the Secretary of State for the Environment, who is, of course, the chairman of the partnership committee for Merseyside, to go up to

6 AUG 1962



CONFIDENTIAL

Home Affairs

*o signed up to
Renewing values of
Society.*

Ref. A09009

MR. WHITMORE

cc Mr. Sparrow
Mr. Wasserman
Mr. Mount

*o Report
Review of the
Law on
Public Order*

In paragraph 9 of my minute of 19th March 1982 (Ref. A07852) I suggested the establishment of a new unit in the Cabinet Office to co-ordinate the work involved in following up Mr. Wasserman's proposal for a new initiative aimed at tackling crime and public disorder. I learnt only recently that the Prime Minister had endorsed the proposal and agreed the suggestion for a Cabinet Office unit.

2. After discussion with Mr. Sparrow, I propose that this work should be entrusted to a team in the CPRS led by Mr. Wasserman, who would report directly to Mr. Sparrow and would be assisted by two members of the CPRS.

3. I would envisage that the same team could take on the work involved in following up decisions taken at the Prime Minister's meeting on 20th July about Mr. Mount's note on 'Renewing the Values of Society'.

4. On both these matters, but particularly on the second, there would be need for an input from the No. 10 Policy Unit, to comment on and contribute to the work being done, and to help maintain a political impetus.

REA

ROBERT ARMSTRONG

13th July, 1982 o

CONFIDENTIAL

CC	LCO	WO	DOT
	HM/T	D/Ind	CO
	FCO	LPO	Att. General
	DES	D/Trans	D/N
	NIO	D/HSS	
	MOD	C80	
	MAFF	LPSO	
	DOE	D/M	
	SO	COL	



10 DOWNING STREET

From the Private Secretary

6 July, 1982

Dear John,

PUBLIC ORDER

The Prime Minister has seen the Home Secretary's minute of 29 June on Public Order. She was grateful for the Home Secretary's account of the work that has been done since last summer and for the assessment of prospects for the rest of this summer.

I am sending a copy of this letter to the Private Secretaries to Members of Cabinet, the Attorney General and Sir Robert Armstrong.

Yours ever,
Tim Flesher

(TIM FLESHER)

J Halliday, Esq
Home Office

da



2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref: H/PSO/14475/82

Your ref:

5 July 1982

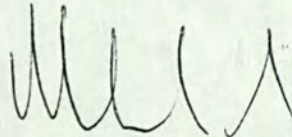
Dear Willie

Thank you for sending me a copy of your letter of 15 June to Keith Joseph, drawing our attention to the interim report of the official group on ways to reduce crime.

I am happy to endorse the report as you suggest. A number of interesting proposals are made and it seems sensible for the group to remain in existence to take these forward.

I quite agree that measures which can be pursued quickly, either by the group or independently, should go ahead. For our part, we have done as I said in my letter of 1 June. Officials have written to partnership and programme authorities inviting them to bring forward additional holiday projects this summer. I have set aside £2m for this purpose. The circular inviting bids for next year's Traditional Urban Programme, which issued on 25th, carries the reference to crime-related projects which you saw in draft. I enclose a copy.

I am sending copies of this letter, without the enclosure, to the recipients of yours.

Yours ever


MICHAEL HESELTINE

L-6 JUL 1962

10 11 12 1 2 3 4
5 6 7 8 9



Caxton House Tothill Street London SW1H 9NAX F

Telephone Direct Line 01-213 6400

Switchboard 01-213 3000

Rt Hon William Whitelaw CH MC MP
 Secretary of State
 Home Office
 50 Queen Anne's Gate
 LONDON SW1H 9AT

30 June 1982

D Willie,

CRIME

I was pleased to see a copy of the report by officials to which you refer in your letter of 15 June to Keith Joseph. I think this has been a useful exercise and I endorse the analysis and proposals for further action.

I am glad to see that the report recognises the considerable contribution of measures against unemployment in maintaining generally social stability. This is underlined by the progress we are making with the Youth Training Scheme, as I recently announced. However, I am sure that the report was also quite right to stress that it would be unhelpful for schemes whose primary purpose is to relieve unemployment, and which depend crucially on their acceptability to employers and unemployed people, to be presented in any sense as crime prevention measures.

I am copying this to colleagues who received your letter.

W
Whitelaw

Home Affairs *SC* *SV*

NSM
JF
30/6.

20 JUN 1962





DEPARTMENT OF HEALTH AND SOCIAL SECURITY
ALEXANDER FLEMING HOUSE
ELEPHANT AND CASTLE LONDON SE1 6BY
TELEPHONE 01-407 5522 EXT

cc JL

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
London SW1

*WJW
R
117*

June 29 1982

Joan Willie.

CRIME

Thank you for sending me a copy of your letter of 15 June about the interim report from the official group about helping to reduce crime.

I certainly endorse the analysis and proposals, as a preliminary report. I also agree that the inter-departmental group under Brian Cubbon's Chairmanship should continue to work as you propose, and be asked to submit further plans in the early autumn. I am sure it would be helpful if he were to convene a meeting of the Inspectorates.

You refer to the use of the urban programme, and you will have seen my recent correspondence with Michael Heseltine. I am indeed grateful for his attention to the opportunities for helping children, and hope that this will be fruitful.

I am sending copies of this letter to the recipients of yours.

Joan Fowler

NORMAN FOWLER



30 JUN 1982

11 12 1 2 3
4 5 6 7 8 9

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Handwritten text: June 30 1982

UNIT AND GUEST LONDON SW1 4BY
AT LONDON TRAINING HOUSE
DEPARTMENT OF HEALTH AND SOCIAL SECURITY

SECRET



✓ JV 21

010

Thank you

Mr Whitmore: ^{AKH}
^{SVI}
You may wish
to see

TF

PRIME MINISTER 5/7

1) Mr Whitmore
2) Prime Minister

PUBLIC ORDER

The Home Secretary expresses guarded optimism about the prospects for avoiding serious public disorder this summer ~~and~~, as it occurs, of better containing it

TF
29/6

As we approach the anniversary of last year's widespread public disorder I thought it right to report on:

- a. the work that has been done in the last 12 months;
- b. the few disturbances so far this year;
- c. the prospect for the rest of the summer.

MF

2. Following last year's disturbances and subsequently Lord Scarman's Report, action has been taken on a broad range of issues, extending beyond the public order aspects of policing, and beyond policing itself to the problems of the inner-cities. On the broad preventive front, I should mention that following an exercise of intensive consultation, both nationally and in selected local areas, we issued, on 16th June, guidance to chief officers and police authorities which gives an added impetus to the work they have in hand to establish consultation arrangements with local communities. Such arrangements will, I hope, assist in crime prevention, in its broadest sense, by providing for a two-way flow of information and support, and fostering links with local beat officers who can often pick up the first signs of potential trouble. Many more men are now back on the beat - for example, 900 in London and 300 in Manchester - and the foot patrol experiment in Toxteth, using experienced officers, has been well received. The rest of this minute has the narrower focus of public order.

3. On 26th March we issued a substantial circular to chief officers of police about monitoring the potential for serious disorder. After a study during the autumn and winter of the present arrangements in a number of forces it pointed chief officers to what we judged

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the best practice in promoting good relations with the community. It was well received and should have helped the police to see that information is passed quickly from grass-roots to senior management so that if there are threatening signs, preventive action can at least be tried.

4. Meanwhile, we have been taking steps to deal with trouble in case it occurs. The capacity for mutual aid is now adequate. In England and Wales, forces have about 11,000 men available in standard police support units (PSUs) of an Inspector, 2 Sergeants and 20 Constables to travel to other force areas if necessary. Each force is pulling its weight and the recent papal visit provided a useful exercise in deployment. The effectiveness of the PSUs depends on good training on the basis of agreed tactics. Much has been done here; but more remains to be done. We held a seminar for chief constables at Bramshill at the end of March where the need for agreed tactics and a graduated response was generally recognised. The Metropolitan Police have provided training this spring for their own Commanders and selected ACCs from the rest of the country. A further programme of courses at Hendon is now rapidly covering Chief Superintendents, including at least one from every force in England and Wales. A programme of training and exercises for PSUs at force and Regional level continues.

5. More work is required on tactics and on the graduations of force to be used. We have therefore established a working group of senior and experienced officers from the Metropolitan police and the provincial forces which had the worst of last year's disturbances, with inputs from the Staff College at Bramshill and our Scientific Research and Development Branch. This group has been given the exclusive task of working through and ordering the tactical options. When the results have been endorsed by me and the Association of Chief Police Officers and the Commissioner, they will be translated into training programmes for common, minimum standards. This work is separate from but will underpin a more general review of public order training under the aegis of the Police Training Council (on which the local authority associations are represented), which will be asked to agree to measures to improve the public order training of,

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in particular, probationers and the critical immediate command ranks of chief inspector, superintendent and chief superintendent.

6. On equipment, great strides have been made. Chief Officers in England and Wales now have a total of 20,000 riot helmets, 8,000 shields and 6,000 flameproof overalls at their disposal. Twenty-four forces have obtained supplies, although in varying amounts, of CS gas and/or baton rounds, for use as a last resort. Guidelines on the use of this aggressive equipment were provided last September. We have invited tenders for the production of a proto-type water cannon, and have two models on loan from West Germany for technical and tactical evaluation. The greatest difficulty about equipment in recent months has been the supply of protected vehicles to carry PSUs. A survey in March revealed a shortfall in vehicles which could travel into a troubled area with relative safety. My Inspectors of Constabulary have been checking the reasons for the shortfall force by force and encouraging energy and ingenuity where it may have been missing.

7. So far this year there has been no extensive trouble. Between 29th and 31st January there were relatively minor disturbances in two adjoining areas of Bristol. One was St. Paul's, the scene of the serious disorders in April 1980. These disturbances primarily consisted of attempted fights between rival gangs of youths, white and black, between whom the police successfully intervened. One of two community beat officers caught up in this was seriously injured, and two petrol bombs were thrown. But otherwise, whilst there were 70 arrests and 20 police officers incurred minor injuries over the period, the scale of the trouble was well contained and the local community strongly condemned the youths involved. Before Easter, Brixton was flooded with rumours about serious disturbances on the anniversary of the events that led to Lord Scarman's enquiry. Happily they did not materialise. On 20th April, barricades were erected and about 250 people took to the street in Notting Hill after police had sought to make a drugs arrest. The police reacted firmly and quickly before petrol bombs, which had been prepared, could be used. The street was cleared in 4 minutes and 26 arrests were made. Nine officers were injured (two during the initial attempted arrest), none of them seriously. For about a

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week after a controversial arrest in Toxteth on 23rd April the situation was very tense. Sizeable gangs of black and white youths roamed the streets, throwing stones at vehicles and dispersing when approached by any group of policemen. Two officers were quite seriously injured while on foot patrol together on 24th April. But the police stuck to the task, did not overreact and gradually tension was reduced.

8. As to the rest of the summer, the assessment from the Security Service* of the threat to civil order as a result of subversive influences is that, in general, there is no intelligence to suggest that any black or white subversive groups are currently planning civil disorders or considering in detail how they might exploit any future disorders. The rhetoric and activities of those groups are, however, inimical to law and order, and they would be quick to try to exploit any disorders which broke out. The assessment is that the greatest initial threat would still appear to come from spontaneous outbreaks of disorder in response to a perceived "wrong", possibly in the areas and at or near to the anniversaries of the major disturbances last year. If there were such outbreaks, there would be a risk of imitative violence elsewhere. It is encouraging that the better preparedness of the police, illustrated by the prompt and effective action in Notting Hill, appears to have been noted among some of the potentially disorderly communities.

9. We have also obtained local assessments from the Commissioner and the Chief Constables of Greater Manchester, Merseyside and the West Midlands. In summary, their views accord with those of the Security Service: that the situation is relatively calm without evidence of planned disorder, and that the greatest risk is of an initial spontaneous outbreak of disorder sparked by a minor incident and with a potential for imitation. They are alert to the possibility of change in local circumstances and feeling and prepared to deal quickly and firmly with disorder should it occur.

* Copy attached

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10. The fact that serious trouble has so far been avoided this year is due in part to the efforts which the police have made. Other events - the Falklands and now the World Cup - may also have played a part in distracting attention.

11. To sum up: while we certainly cannot rule out the possibility of public disorder this summer, the police have learned a great deal from last year's experience and are much better prepared to deal with it than they were a year ago. If trouble occurs I believe that there is a good prospect that a prompt and firm response by the police will enable it to be contained and prevent it from developing into the sort of riots we saw last year.

12. I am sending copies of this minute to Cabinet colleagues, the Attorney General and Sir Robert Armstrong.

Law

29 June, 1982

SECRET

THE THREAT OF CIVIL DISTURBANCES:
SUBVERSIVE INFLUENCES

General

There is no intelligence to suggest that any black or white subversive groups are currently planning civil disorders or that they are considering in detail how they might exploit any such situations in future.

The Extreme Left

2. The attention of the larger subversive organisations of the extreme left has been focussed on a range of issues such as unemployment, industrial disputes, relations with the Labour Party, nuclear disarmament and the Falklands and also in some cases on their internal problems. Racial issues and the possibility of a recurrence of civil disturbances do not at the moment figure prominently amongst their interests.
3. The (Trotskyist) Militant Tendency (MT) and Socialist Workers Party, which were to the forefront in the exploitation of the July 1981 disturbances, instructed their members at their annual conferences in November 1981 to be prepared to respond in the same way to any future troubles. Neither appears to have attempted to take matters further. The MT has however arranged a Black and Asian Conference to be held under Labour Party Young Socialist auspices at County Hall, London on 3 and 4 July, to mark the first anniversary of the outbreak of the July 1981 disturbances. The Workers Revolutionary Party, which is opposed to the use of violence, continues to devote considerable effort to its project to provide training for unemployed youth, particularly in Brixton and Merseyside, with a view to attracting black youth to its policies.
4. The smaller Trotskyist groups, the Revolutionary Communist Party (RCP) and the Revolutionary Communist Group (RCG), which were very active in the 1981 disturbances, have since then been those most closely involved in pursuing matters arising out of the disorders, including the Bradford 12 Defence Campaign. For the moment however the RCG lacks cohesion and direction and, apart from support for the Bradford 12 mainly by members in Leeds and Bradford, its main interest in racial matters lies in campaigning against apartheid. The RCP on the other hand is trying to establish Workers Against Racism groups on a national basis. With groups already formed in South and East London, Manchester and Coventry, it is seeking to set up others in Sheffield, Bristol and probably Birmingham. It is active on a wide range of racial issues, including defence campaigns (in support of those charged), racial attacks and the formation of vigilante groups, although it has been frustrated by a lack of ethnic support. Whilst the RCP is probably the most virulent extreme left-wing group operating in the racial field at the moment, it is still comparatively small and the close attention that it receives from the media tends to exaggerate its impact.
5. Small groupings of violence-prone anarchists, particularly those based in South London some of whose members were involved in the civil disturbances in 1981, seize on any opportunities for disruptive action. They can be expected to pose law and order problems in any future civil disorders.

6. Whilst there is no information that any of these groups intend to initiate civil disorders, they and other extremist groups are likely to move quickly to extract the maximum political advantage, should such disorders break out. It is also probable that members of some of them will participate in the disorders, as individuals. The general pattern and tone of their activities and propaganda are often provocative and will continue to be inimical to law and order.

Racial Extremists

7. Black racial extremists can be expected to continue to take a line hostile to the Government in general and to the police and the judicial system in particular. There are signs that some of the less extreme leaders are prepared, in the aftermath of the 1981 disturbances, to consider pursuing their aims through the political system and that some extremist organisations, such as the Liverpool 8 Defence Committee, are trying to project a respectable image with the object of acquiring public funds. Others, such as Darcus HOWE of Race Today, however continue to advocate extreme policies, including confrontation. Whilst there must be some doubt whether they will be prepared to go beyond "revolutionary rhetoric", there is a danger that black youths, influenced by their ideas and mindful of the events of last year, will be incited to violence. There is a risk that any action by the authorities, particularly the police, perceived by black communities as being "provocative" or "discriminatory" will be met by a violent reaction.

8. The greatest risk of violence by Asians is likely to continue to arise in response to racial attacks on members of the community and also to provocative demonstrations in their areas by the extreme right wing.

Outlook

9. It is not possible to predict with any confidence the circumstances which might give rise to public disorder. The greatest initial threat would still appear to come from spontaneous outbreaks of violence in response to a perceived "wrong". There are many events, controversial and non-controversial, which could provide the occasion, if not necessarily the direct cause of disturbances in the future. In the next two months, the first anniversary of the July 1981 civil disturbances and the Notting Hill Carnival at the end of August are two such occasions. Similarly there are many areas in which, because of the underlying problems and tensions, disturbances might occur, although the black areas which were most affected last year, notably Brixton, Toxteth and Moss Side, still appear to be most at risk. In addition Notting Hill, Bristol, Wolverhampton and West Yorkshire must also be considered potential troublespots. In the event of disturbances, imitative violence is likely to follow in other areas. But there is also an awareness that the police are probably much better prepared than in 1981 to deal with any future disturbances and a belief that they would react very firmly. The prompt and forceful police response to incidents in Notting Hill in April appears to have been noted by other black communities.

17 June 1981



DEPARTMENT OF EDUCATION AND SCIENCE
 ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH
 TELEPHONE 01-928 9222
 FROM THE SECRETARY OF STATE

Home Affairs

cc. JV

NBAM -

PSE copy to
 FMS "renewing
 the values" files

[Signature]
 29/6

Rt Hon William Whitelaw CH MC MP
 Home Secretary
 Home Office
 Queen Anne's Gate
 London
 SW1H 9AT

28 June 1982

Dear Willie,

CRIME

Thank you for your letter of 15 June about the interim report on crime which has been prepared by officials following our meeting with colleagues in March.

The report has now been submitted to me, and I endorse its analysis and proposals. I agree that the group should be asked to follow up their proposals vigorously; for my part, I will take whatever opportunity I can to encourage the education service to continue, and if possible reinforce, its efforts to reduce crime. I also agree that there is scope for increased liaison between the various Inspectorates and support the action which you propose to remedy this. I note that in due course you will consult me and other colleagues on any public announcement.

I am copying this letter to the Prime Minister, the Secretaries of State for the Environment, Scotland, Wales, Social Services and Employment and to Sir Robert Armstrong.

Ever,

[Signature]

Home Affairs

Prime Minister:



You will recall expressing reservations about the Home Secretary's proposals on consultation between the police and the community. This note, which I commissioned for the Home Secretary's office makes it clear that consultation does not extend to operational matters but is instead aimed at involving the community far more in the prevention of crime.

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

You told me that it would be helpful to have some additional background on the possible impact on police operations of the proposed statutory duty on local consultation and the guidelines for consultation which have been issued recently.

Lord Scarman saw consultation as a means of making the police more effective. For example, it is easier for the police to move decisively against the criminal element in any particularly area if they have the understanding and support of the law-abiding majority.

We have made it quite clear in the guidance we have issued that consultative groups cannot discuss individual criminal investigations and that the deployment of police officers and the timing and method of police operations must remain decisions for the Chief Constable. We have explained that neither consultative groups, nor the police authority, nor the Home Secretary can intervene in the enforcement of the criminal law. In these respects the guidance reflects and does not alter the proper position in law relating to law enforcement.

We have suggested that groups might discuss such problems as how to discourage and prevent vandalism in their areas, and how to improve the links between the police and community in responding to local crime problems. The Home Secretary sees consultation as part of his wider strategy for crime prevention and as a means of bringing home to people that the police cannot be expected to maintain order and prevent crime if the local community does not shoulder some of the responsibilities for tackling the particular problems in their area.

Yours ever
C J WALTERS

T J Flesher, Esq.



Home Affairs
24/6

EEJU

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From The Parliamentary Under-Secretary

CT/3194/82

23 June 1982

Dear Willie,

Thank you for sending Nick Edwards - who is unwell and away from the office for a few days - a copy of your letter of 15 June to Keith Joseph. I have seen also a copy of the report by your Permanent Secretary's inter-Departmental Working Party on how Departments might assist in the prevention of crime.

It seems to me that most of the recommendations about specific activities centre on initiatives of a kind that are, in general terms, covered by the urban programme. In this context Nick's letter to you of 25 May pointed to the extent to which the urban programme in Wales has already given emphasis to schemes directly relevant to crime prevention. My intention is to continue to press for and support such schemes.

The report is a reminder that crime prevention is incidental to activities in many of the Welsh Office's functional fields. I would hope that this will assist us in contributing to the work which it is recommended should be continued, within Whitehall and with other agencies, with a view to bringing crime prevention more positively into the minds of those whose policies and activities may be primarily directed elsewhere but do have a bearing on crime.

You certainly have my endorsement of the Working Party's first report and your proposals on follow-up action.

/ I am copying this letter to the recipients of yours.

*Yours ever,
Michael*

MICHAEL ROBERTS

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON

114 JUN 1982

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Home Affairs
17 June 1982

PRIME MINISTER

CRIME: HOME SECRETARY'S INTERIM REPORT

This report provides a useful summary of what is being done by several Departments, led by the Home Office, to deter juvenile crime and to keep young people off the streets during the summer holidays.

The summary reveals both strengths and weaknesses. Some of the projects seem pitifully small. Others cry out to be carried forward nationally with the utmost urgency. In general, the letter is depressingly negative about the potential of the schools (see Annex C, pages 2-4). Just how far we have to go is indicated by the survey which found (see page 7) that only 35% of secondary schools and 20% of primary schools were used regularly - by which they mean once a week! - during the summer holidays. Our aims should surely be to increase that figure to 100% as soon as possible and at minimum cost by the use of volunteer labour. Is that impossible?

The Home Secretary said he will consult colleagues when he proposes to fulfil his commitment to report to Parliament, either by means of a written answer or a debate. It would be natural that any such report should be delayed until we have agreed the lines of our renewal-of-values campaign, of which this is one aspect, though a crucial one.

In tackling the crime problem, the Home office obviously ought to take the lead, as suggested here. But wider issues might be more properly fitted into whatever arrangements are agreed for the renewal-of-values campaign.

I suggest therefore that your private secretary should indicate to the Home Secretary's office that it might be best to wait until after our first meeting before taking it further.

FERDINAND MOUNT

FM



cc JV *18/6*
 2 MARSHAM STREET
 LONDON SW1P 3EB

My ref: H/PSO/13987/82

Your ref:

17 June 1982

De Norman

Thank you for your letter of 21 May 1982 in support of the Home Secretary's letter of 21 May 1982 about measures under the Urban Programme to reduce crime.

I enclose a copy of my reply to the Home Secretary from which you will see that I have made a very positive response on crime-related projects generally and holiday projects in particular.

The types of scheme you mention specifically are of course already among those grant aided under the Urban Programme. So far as extra projects this summer are concerned, I think it is best - given that no more than £1m extra is available - to concentrate on projects which will keep school children and young people off the streets. I have also asked Sir George Young to make sure that the needs of the ethnic minority groups are taken into account. For future years, it might well prove possible to develop schemes with longer term benefits. I have told Willie Whitelaw that I am willing to approve more holiday projects under next year's traditional Urban Programme, and I hope that Partnership and Programme authorities will feel encouraged to bring forward more worthwhile schemes next year.

We shall need to bear in mind the resource implications however. You will recall that the Ministerial Guidelines on the Urban Programme, which I agreed with colleagues last year, urged local authorities to give priority to schemes aimed at economic regeneration, and to capital rather than revenue projects. I would not want to see holiday projects encouraged at the expense of these priorities.

I am sending copies of this letter and my letter to Willie Whitelaw to the recipients of yours.

Your own

MICHAEL HESELTINE



QUEEN ANNE'S GATE LONDON SW1H 9AT

15 June 1982

Dear Keith

CRIME

Following the meeting I had with you and other colleagues on 25 March we now have an interim report from the official group on how Departments outside the criminal justice field could help to reduce crime. Your Department will be submitting a copy of the report to you direct.

I am most grateful to all Departments for the way in which they have co-operated in an exercise which has stimulated new ideas and a common approach to the problem which ought to bear more fruit in the future. The Annexes to the Report, which bring together existing arrangements, are themselves a useful indication of the crime reduction theme that can be promoted over a wide range of programmes.

The immediate action which has emerged has been the allocation of up to a further half a million pounds under the urban programme this year to worthwhile schemes (for example holiday projects and extra leisure facilities) which keep young people off the inner city streets during the summer. I am very grateful to Michael Heseltine for his help with this, and also for specially inviting local bids for next year's urban programme which have an anti-crime dimension.

I know that you personally want to prompt schools and teachers to help in the classroom and more generally, where they have great scope for influence and for setting the right climate. I very much hope that the teaching profession can be brought to see crime reduction as a professional challenge.

I should be glad to know that you and other colleagues endorse the working group's analysis and proposals as a whole. We should regard the present report as very much a preliminary report, from a group which should continue in being. I suggest we should ask the group to follow up their proposals vigorously and submit a detailed and timetabled action plan to us in early autumn, but without delaying action on sensible and agreed measures in the meantime.

I was very interested in the proposal in the report (paragraph 9(a)(iv)) for contact between the Inspectorates concerned with probation, education, social work, police, etc.

As far as I know some of these Inspectorates have virtually no contact with each other. This cannot be right. If you agree, I propose to ask Brian Cubbon to convene a meeting of representatives of all the Inspectorates, on the basis of the analysis in the report, so that they can establish some contact with each other and share a common understanding of the themes of crime reduction.

I am committed to informing Parliament about how all this is going. A Written Answer might be sufficient, unless a debate comes along with a better opportunity. I shall consult you and other colleagues when I propose to say something.

I am sending copies of this letter to the Prime Minister (with a copy of the report), to the Secretaries of State for the Environment, Employment, Social Services, Scotland and Wales and to Sir Robert Armstrong.

M. M. L. L. L.
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CRIME

REPORT TO MINISTERS

1. The purpose of the exercise was to discover what Departments outside the ordinary ambit of the criminal justice system are doing and could do to help reduce crime in England and Wales.
2. Our general conclusion is that neither central government nor local services are as crime conscious as they could be. Those who formulate policies and those who deliver local services could more consciously ask themselves whether they could adjust what they are doing (and what they are saying) in order better to tackle the factors which lead to crime.
3. Action can be taken in ways which need not depend on police initiatives or perhaps involve the police at all. Crime is a general social issue. Teachers and other influential figures can stand up against law breaking without having to align themselves with everything the police do or say.
4. It is necessary to focus precisely on specific policy adjustments or administrative modifications which would help to reduce crime and would be cost effective. For this purpose it is useful to have in mind two basic areas for attention:-
 - (a) First there are personal factors associated with law-breaking, for example ineffective supervision and discipline, and problems associated with the family and upbringing.
 - (b) Second, there are factors which trigger such behaviour. For example, the physical environment is an important influence in the extent to which it offers opportunities for crime and, alternatively, offers acceptable opportunities for non-criminal activities.

5. It is also necessary to recognise that the groups of persons and the circumstances which form a "client area" for a particular policy function or service are not necessarily coterminous with the target area for crime reduction. For example, crime committed by young people between the mid-teens and the early twenties, is an exceedingly important target area which does not correspond with the clear-cut responsibilities of a particular Government Department. (For this reason the material in Annexes A-D is not presented according to Departmental responsibilities).

6. We acknowledge the considerable steps that have already been taken within individual services which are crime related and help reduce propensities to crime and circumstances which encourage crime. (See Annex A for examples of schemes which curb crime or deflect people from it; Annex B for schemes which may reduce the opportunities for crime; Annex C for schemes which develop a sensible climate of opinion and local leadership; and Annex D for schemes which provide employment, temporary work and training for the unemployed (particularly the young)).

7. But we have also identified the following opportunities for further action which could be taken. Some of them were already in the pipeline at some stage or other, others emerged at our meetings, and our exercise itself was able to shape and stimulate ideas:-

DHSS ACTIVITY

- (a) Measures outside the specific young offender field calculated to help families:

Support for groups concerned with "latchkey" children;
grants for the Gingerbread Group and the Homelines scheme;
day-care for under 5s and preparation for parenthood programmes.

DOE ACTIVITY

(b) The Urban Programme

- (i) Additional impetus might be given to crime prevention by giving greater priority within the Urban Programme to schemes which may be calculated to diminish crime. For example holiday projects are organised locally by both local authorities and voluntary groups and encompass a wide range of activities some of which make use of school premises and community facilities. They provide a constructive way of keeping young people off the inner city streets during the summer. In similar vein, more local authorities could provide free access to leisure facilities over the holiday period. Such specific local initiatives would help to emphasise the value of the contribution to be made by the whole community towards crime prevention.
- (ii) As an immediate measure DOE are taking urgent steps to encourage more holiday schemes this year beyond those already in the Urban Programme. This would be a limited initiative at this stage in the year when the main pattern of allocation of Urban Programme funds for 1982/83 has been set. But preliminary enquiries suggest that a maximum of £ $\frac{1}{2}$ million, might be fed in by quick action to support good schemes which have been rejected and to extend existing schemes.
- (iii) In addition, the circular calling for bids for next year's traditional Urban Programme, has invited bids for schemes which have an anti-crime dimension. This will not touch the most deprived inner city areas, but letters to Partnership and Programme authorities emphasising the importance of anti crime projects would help disseminate the basic crime message. However existing priorities, agreed between Ministers, for the Urban Programme, on capital, rather

than revenue and on economic rather than social projects mean that an increase in crime relevant projects would require corresponding extra resources.

(iv) The Urban Programme could also provide a quarry of successful schemes that have an impact in crime though primarily aimed at other objectives, which could be encouraged and funded elsewhere. The DOE already monitors Urban Programme schemes, although it has not yet looked specifically at the crime prevention dimension. This could be studied in more depth, either within Government, or by an external organisation, such as NACRO, or the School for Advanced Urban Studies (SAUS), and the result disseminated more widely among local authorities and voluntary organisations.

(v) On Merseyside DOE has launched an initiative aimed at improving recreation facilities and the Sports Council have undertaken a 3 year programme of motivation and leadership training schemes in the West Midlands and London (see Annex C paragraphs 2-3). These initiatives could be extended to other areas. A campaign is also under way to bring underused facilities in the ownership of private and public sector firms and institutions into community use.

(c) The Sports Council could further develop their youth leader scheme.

(d) Planning and physical environment:

In this we need to encourage police involvement in local planning, environmental decisions and policies. This means improving consultative machinery for police/local authority links and also improving the police capability for responding constructively.

DES ACTIVITY

(e) Role of the schools:

The schools accept that it is their job to prepare their pupils for

adult life and work. The Government's policies for the improvement of the school curriculum aim to develop good attitudes in children and young people as well as equipping them with the knowledge and skills which will enable them to cope as adults without falling into crime. In this task many teachers avoid an emphasis on crime, poor attitudes, and anti-social behaviour. Rather than the risk of actually encouraging unacceptable (but, to some young people, fascinating) behaviour by exploring crime's nature and outcomes, they seek to build up in their pupils positive views about themselves and society. But teachers (and others with local influence) need to be encouraged to continue to convey the basic message and to find new ways of doing so.

Separately and complementarily it is important that, in serving both its pupils and the local community, the school should have good relations with the police which are based on mutual respect and understanding. To achieve this requires sustained local effort. Schools HMIs are conducting a survey on school/police relations which will seek to identify good practice and to point to further developments.

DES ACTIVITY

(f) The Education Welfare Service:

The Education Welfare Service is used by local education authorities and schools in relation to truants and specially difficult pupils. DES, in consultation with DHSS, has begun an examination of how this service might be used more effectively. The aim is to get the service to devote its efforts to a broader band of pupils, giving less attention to hard core truants - for many of whom prompt action in the courts may be the best and only line of action - and more to those showing early signs of bad behaviour. The service would then provide a link

ER

between school and a substantial proportion of parents. Such a shift in role, which has implications for organisation and training, is likely to take time. It will need to be pursued with local authorities and the professional interests concerned.

(g) The Youth Service:

Many of the projects carried out by the Youth Service are relevant to the prevention of crime. Illustrations are described in the Annexes attached. An independent Review Group, now looking into the Youth Service, is expected to

- (i) emphasise the need for the service to provide help for those young people who are in danger of falling into crime because they have difficulty in adjusting to the responsibilities and behaviour appropriate to adulthood;
- (ii) stress that the Youth Service should also develop its role in educating young people to become better citizens, through identifying each individual's needs for experiences which lead to mature and responsible behaviour, and helping to provide these experiences;
- (iii) encourage "detached projects" whereby youth workers meet young people on their own ground, provide friendly advice and counselling, and help reduce the feelings of alienation which can lead some young people into crime;
- (iv) identify the role for the Youth Service in providing a bridge between the police and young people, particularly those from ethnic communities; and
- (v) point to ways in which the Youth Service can more effectively fulfil these functions through better co-ordination of statutory and voluntary effort, integration of local authority services,

and consultation with the police.

(h) Dual use of schools:

The prevention of crime can be helped by bringing the community into schools both during and after school hours. Good results are achieved in "community schools" where parents, teachers and others in the community work together in the education and development of the pupils. Such schools are characterised by easy and open relationships that encourage cooperation by all parties on matters of concern, and the shared use of school facilities for education, recreative and social purposes. In recent years there has been a growing number of such schools, particularly in deprived urban areas and new town developments. Evening and weekend use of the buildings for education and recreation can also be effective. Out of hours use of schools in urban areas is extensive. A survey conducted in 1978/9 showed that virtually all secondary schools and about two thirds of primary schools were then used regularly (ie at least once a week) in the evenings, and at weekends during term-time, and about 35% (secondary) and about 20% (primary) during the summer holidays. It is DES policy to encourage local education authorities to make school facilities available to the community, and greater emphasis could be placed on encouraging organisations catering for groups at greatest risk of offending, but financial constraints may limit the extent to which this occurs.

(i) Protection of schools against vandalism:

The DES have issued guidance on possible ways of reducing damage caused by vandalism in schools and colleges. It envisages action at two levels: at and within the local education authority by the education staff and those concerned with the design and maintenance of buildings; and at the school or college by governors, teachers and caretakers.

DE ACTIVITY

8. There is no statistically proven relationship between unemployment and crime, but it is accepted that unemployment is one of many factors which may be involved. Reducing unemployment may have no direct effect on crime but it can reduce some of the social and economic problems associated with some sorts of crime. The schemes operated by DE and MSC to provide employment, temporary work and training for the unemployed (and particularly for the young) are therefore consistent with, though not directly concerned with, crime prevention. Annex D sets out the work currently in hand.

9. These are just the immediate and current opportunities and plans for action. The nature of the problem essentially requires a long haul. The best prospect for future ideas and future changes in attitudes lies in getting government departments, local authorities and other bodies and institutions motivated to ensure that the need to reduce crime informs all the relevant policies and services.

We propose that, in addition to the specific measures in paragraph 7:-

(a) At the national level:

- (i) our group should continue to provide a forum for high level inter-Departmental contact;
- (ii) Ministers and Departments generally should seek to inform their policies, programme and services with the basic message that crime reduction is the business of us all. Ministers can help form the bridge with local services and public opinion by drawing attention to specific opportunities in their programmes and services and to the findings of research;
- (iii) to help inform debate there should be an even greater dissemination, to Ministers and others, of the findings of research in this area;
- (iv) there should be contact between the Inspectorates in the different services - probation, education, social work,

police - so that they share information and understanding of the different ways in which good practice can be disseminated and

- (v) Departments with local services and local offices should consider using them to obtain ideas for crime related action at the national and the local level.

(b) At the local level:

- (i) People in local services need to be persuaded that crime prevention is an important dimension to their work, though one not hitherto always acknowledged and not at the forefront of their thinking. The nature of the action to be taken does not lie in the production of glossy brochures (although these may in certain cases be helpful) but teachers and others need to be encouraged to continue to convey the basic message and to find new ways of doing so;
- (ii) contact with the police should continue to be regarded as of great importance - the post-Scarman consultative arrangements should be of help in this general context, for example in the identification of trouble spots;
- (iii) there is scope for the use of routine consultation with the local authority associations; and there may be scope for a circular to local authorities;
- (iv) local authority officials could be encouraged in a number of ways, for example, seminars at the Police College and other projects which are being planned as part of the crime prevention programme of the Home Office;

(v) the role of the voluntary sector and the private sector: within the voluntary sector particular importance attaches to bodies like Councils of Voluntary Service who are concerned to develop new forms of voluntary activity, and to small neighbourhood and community groups whose role among other things is to develop community sense and pride in neighbourhood.

10. This is an interim report. We invite Ministers to endorse our general approach to the problem and the specific measures outlined in paragraphs 7 and 9 and to agree that Home Office should take the lead in carrying this forward with other departments.

Home Office
15 June 1982

Lead Department(s)

SCHEMES WHICH CURB CRIME OR DEFLECT (YOUNG) PEOPLE FROM CRIME

This Annex and Annexes B-D provide a summary of the work underway outside the normal ambit of the criminal justice system. The express purpose of some schemes may not be crime reduction and there may be distortions in presenting that as the objective of some of them. They do, however, work in the same direction as more specific crime prevention schemes.

YOUNG PEOPLE AT RISK

Intermediate Treatments Centres, probation day centres and rehabilitation centres

DOE
DHSS

2. Nearly £2½m/yr is contributed under the Urban Programme to more than 65 Intermediate Treatment (IT) Centres and other forms of probation or rehabilitation schemes. The IT programme is sponsored by DHSS through local social service authorities and voluntary bodies, assisted by the DHSS financed Intermediate Treatment Fund (which is being increased from £340,000 to £450,000 a year). DHSS is also financing a new NACRO Juvenile Crime Unit with the aim of improving local coordination in the community. By providing a range of intensive activities, sometimes with a residential element, the Intermediate Treatment Centres hope to draw young people away from crime towards a more positive view of their future. Each centre relies heavily on personal commitment from those running it, and both premises and the blend of activities - from workshop

activities and community work to sport and countryside visits - vary according to local circumstances. A Sheffield centre is based on a former coal barge. A centre in St Anne's uses a converted church hall. In some cases an IT scheme is run as part of a larger community project; eg the Lozells Project in Birmingham, initiated by local police to try and improve police/community relations, includes a voluntary intermediate treatment programme.

Provision for homeless

3. Young people who find themselves homeless in inner cities and who have difficulty in obtaining help from mainstream statutory and voluntary agencies may be particularly vulnerable to the risk of being drawn into crime. Over £1½m was spent in 1981/82 under the Urban Programme for the provision of hostel or other accommodation for (usually single) homeless people. Many projects cater for specific groups which have particular housing problems eg ethnic minority groups. The Ujima centre in Brent, North London, eg, set up in 1977 by a group of black housing workers, sees one of its main aims as increasing awareness of the housing problems affecting ethnic minority groups in inner city areas. Ujima specialises in arranging temporary accommodation in short-life properties and hostels for young single people and childless couples. About 95% of their 400 or so clients are of West Indian origin. As with other housing projects, such as some of those mentioned above, Ujima combines its mainstream function with a counselling and referral service and works closely with other local agencies.

The National Association of Youth Clubs supports young people who have become homeless, in Manchester, through the Youth Service supported for this purpose by DES (£37,000 in 1981/82).

DES

"Children at Risk"

DOE
DHSS

4. Between £1½m and £2m was spent in 1981/82, within the Urban Programme, on projects designed to help "children at risk"; especially those who for various reasons do not receive much parental support.

5. These schemes take a variety of forms. In some cases it is simply a matter of supplying home-school liaison officers. In others, support is given to families which are going through a difficult time. In a number of areas, "latchkey" projects have been developed, to provide activities after school hours for children whose parents have to work, and who might otherwise simply roam the streets. An example is the "Champs" project in Southampton which grew out of requests from the local community. Using premises in a local school playground it provides supervised games, art and craft work until 5.30 pm each evening.

6. Some schemes cater for older children who are seriously at odds with secondary school education, disrupt classes and are prone to truancy. The aim is to give them special attention and counselling. The St Paul's community project in Birmingham eg includes a small voluntary school for children with a high truancy rate.

Holiday projects

DOE

7. Children at risk of harm or of getting into trouble are one DOE of the categories of children catered for by holiday projects, which are grant aided under the Urban Programme. The object of these schemes, as the name suggests, is to provide educational and/or recreational activities for children during school holidays. The range of schemes is enormous; some make use of school or community facilities, others actually take the children away for holidays and educational visits eg disadvantaged young people from inner city areas can be given a taste of the countryside. Activity holidays are organised for young people attending IT centres, some projects are organised by the police (eg the Merseyside Police are this year organising sports competitions), and can thereby help to improve relations between the police and young people. About £600,000 was spent in 1981/82 on holiday projects. Support is given through the Youth Service to the Duke of Edinburgh's Award Scheme for work involving the young supporters of Coventry and Liverpool Football Clubs.

DES

Latchkey children

8. The problem of the many children who arrive home from school whilst parents are still out at work straddles DHSS, DES and DOE. Little out of school and holiday care is provided by statutory services, except in Inner London. But there is a growing number of voluntary and community schemes. A grant is made to Gingerbread, a voluntary organisation for one parent

DHSS
DES
DOE

families which encourages local mutual aid groups, for example Gingerbread Corner at Croydon. The Bristol Association for Neighbourhood Day Care provide several other schemes. The National Out of School Alliance was formed in October 1981 to support and develop these schemes but there is no equivalent national organisation to the Pre School Playgroup Association (PPA). The Out of School Alliance has now been given a £40,000 Government grant. Out of school and holiday schemes have benefited from Urban Programme Money but more could be done if financial support was forthcoming. Two possible grants are being considered interdepartmentally:

DHSS
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DHSS
DES

- (1) A new group has applied for a grant to help them establish information centres for parents of latchkey children.
- (2) The organisation "Family Service units" wants to set up a pilot scheme, to deal with primary school children who are giving social services Departments cause for concern.

DHSS

Under Fives

9. The provision of services for underfives falls into two main categories: care and education. Day care provision is the responsibility of social services departments at local authority level and, in central government of the DHSS. Nursery education is the concern of the education service and the DES. Both services have a long term part to play in crime prevention. The Pre-School Playgroup Association represents playgroups which provide places for about half a million 3 and 4 year olds. It is

DHSS
DES

also involved with mother and toddler groups for younger children. The keynote of the playgroup movement is parental involvement, and the PPA's Regional staff provide support and advice for those wishing to set up groups (especially important in disadvantaged areas), and training courses. This could provide a framework for an initiative to develop playgroups in areas which suffer from social problems and high levels of crime.

DHSS
DES

10. DES/DHSS held a conference on the Under Fives in 1981 and the proceedings are soon to be published. It is planned, subject to available staff and Ministerial priorities, to update DHSS guidance and to explore ways of improving the availability of satisfactory services without incurring extra services.

DHSS

Other

(a) Some imaginative schemes are developing locally to help families at risk, eg. "Homeline" aims to provide families with a family friend, a volunteer to help and advice. This work is encouraged through central grants. "Homestart" is a voluntary home visiting scheme for families with young children, aimed particularly at helping isolated and lonely mothers who are having difficulty in coping with their children but are not easily helped by the statutory services. The first scheme started in Leicester in 1973. There are now 20 similar schemes in different parts of the country. Some 20 more are ready to start work as soon as they can obtain funding and there is considerable scope for further developments. In 1981 a National Homestart Consultancy was set up to advice and encourage these schemes. Voluntary agencies, particularly

The (Church of England) Children's Society have been developing multi purpose "Family centres" in disadvantaged areas. These provide activities for a whole range, from mothers and babies to adolescents. These could be developed more widely if funds were available. The Sheffield Association of Youth Clubs, centrally supported is running an experimental project providing day time youth work, including work with young people from the ethnic minority groups in education.

DHSS

DES

Child abuse

(b) General activities to encourage local collaboration of the various agencies (social work, voluntary bodies, probation work, police) in the handling of child abuse casework ought, as a spin-off, to promote the more general collaboration and confidence necessary for crime prevention. The link is a bit remote, but a lot of effort is being put into this field eg -

DHSS

publication of an analysis of reports on recent enquiries;

guidance on enquiries; and

review of working on child registers.

Preparation for parenthood

(c) Much of the preparation needs to be done in schools, but DHSS we are funding an NCB development project in which seminars are run for professional workers, to suggest what they might do in this field.

11. Two matters relevant to the reduction of crime are being considered by the Group.

(a) Interagency Co-operation

A paper is being prepared for Ministers. The main points emerging for further study are:

- (i) a series of regional conferences for representatives of the various agencies, to discuss initiatives under way and linking them within an overall strategy, as encouragement to further local developments;
- (ii) how to close the present gap in the dissemination of information of a multi-disciplinary nature. Some co-ordination is undertaken by the National Children's Bureau, but more might be done, for example by inviting a voluntary body such as NACRO to set up a central register of relevant material published in the many single-discipline journals. The Group also discussed the extent to which the professional aspects of co-operation might be explored, and the role that might be played in this by the main central Government agencies - HM Inspectorate of Constabulary, HM Inspectorate of Schools, the Probation and After-Care Inspectorate, and the Social Work Services (DHSS).

(b) Policy strategy for juvenile justice

A broad paper is being prepared, which would provide

Ministers with a framework for the longer term

DHSS

development of juvenile justice policy. This discusses the doubts and uncertainties about the present system; and action that has already been taken, including the impact of the Criminal Justice Bill; and the issues needing further consideration eg how best to ensure that young offenders come into the "formal" system only where necessary, the development of intermediate treatment facilities, ways of improving "disposal" arrangements, longer term trends (demography; educational provision, employment), and more generally experimentation with new methods of community involvement and intervention. The Group expect to have the paper ready for Ministers in June.

Sport/Recreation and Community facilities

12. Under the Urban Programme some £23m was spent in 1981/82.

DOE

on community and sports projects. The main aim of such projects is obviously to improve the quality of life in the most disadvantaged areas of our cities. However measures which foster community spirit and provide greater opportunities for sport and recreation can help to reduce the incidence of crime, by providing alternatives to the sort of aimless existence which can lead young people in particular into crime. Lor Scarman's report on the Brixton disturbances eg drew attention to the risks for young people of having little to do other than hang around on the streets.

13. The most expensive of these projects are the provision of new sports and community facilities either in purpose built premises or by extending or making more intensive use of existing facilities. An example of the former is the

ston Villa Sports and leisure centre in Birmingham. A joint venture between the Birmingham Inner City Partnership Aston Villa Football Club, the Associated Dairies Group and the Sports Council has resulted in the development of £1.3m leisure complex which now provides a range of facilities for all sections of the local community. The centre's management seeks to involve local people, in decisions about how these facilities are used.

14. The Birmingham Partnership has also done a great deal to improve the use of existing facilities. From 1979 to 1981 about £2m was spent on refurbishing the Sparkhill swimming baths and there are plans to do the same elsewhere. A number of open spaces have been "refurbished" to create play areas and "kick-about"s. There are plans to develop "dual use" of some of the City's schools for community use and sports. In Salford, this has already been put into practice; 5 primary schools have already been extended to provide for community use out of school hours.

15. For young people a very valuable facility is the provision of youth clubs and other premises where they can meet. A number of youth projects have been developed under the Urban Programme. In inner city areas they often provide a focus for young people from ethnic minority groups where they will not feel harassed by others. The SIMBA Youth Project in West London eg provides a meeting place for West Indian teenagers. The Raddle project in Leicester provides an Afro-Caribbean bookshop with an associated coffee-bar/drop-in facility and craft workshop for local people.

SCHEMES WHICH MAY REDUCE THE OPPORTUNITIES FOR CRIME

ANTI-VANDALISM MEASURES

DOE

1. As part of the Department's responsibility for housing policy, it is involved in action on several fronts to improve the management of public sector housing estates which have become run down and difficult to let. The main objective is to improve conditions on these estates to make them more attractive as places to live and avoid them becoming completely derelict. An important component of this process is the need to combat vandalism, crime and generally anti social behaviour, to which such estates are particularly vulnerable.
2. The Department is actively engaged in helping to turn round such estates in Bolton, Hackney and Lambeth through its Priority Estates Project, to which it currently contributes £100,000 per year. Measures to improve security include the provision of entry phones and extra security doors to restrict access and employing caretakers to patrol the estates. Intensive management regimes with a locally based estate office, in which the tenants themselves are encouraged to participate, help to discourage vandalism and anti social behaviour.
3. Similar principles are to be applied in the Merseyside Community Refurbishment scheme, one of the projects initiated by the Secretary of State last summer. Six local authority estates have been identified for refurbishment, using local labour. This will be followed up by establishing local estate management schemes, involving tenants and voluntary groups.

4. Experimental work in this field has also come from the National Association for the Care and Resettlement of Offenders (NACRO) Crime Prevention Unit which the Department supports through its small grants programme. Some housing management projects are already funded under the Urban Programme. Expenditure in 1981/82 was about £2.3m. The Department is willing to consider applications for UP grant for further experimental schemes in inner city areas. In time it should be possible to assess more clearly what benefits this approach has to offer.

5. The Department disseminates advice and guidance on good practice in housing management, through seminars, conferences, contact between housing authorities by officials in the Housing Services Advisory Group (HSAG) and publications such as HSAG's "Security on Council Estates". The Secretary of State recently gave the opening address at a national conference organised by NACRO, entitled "Community approaches to crime prevention".

6. Under the Urban Programme about £1m was spent in 1981/82 on schemes specifically to combat vandalism. In some cases this is simply "clean-up" action, organised by the local authority. A pilot scheme in Manchester however, is involving local residents in a campaign to reduce vandalism in their own area.

SCHEMES DEVELOPING A SENSIBLE CLIMATE OF OPINION AND LOCAL LEADERSHIP

1. The Sports Council, which is grant aided by DOE, is active DOE
in promoting sports and recreation facilities. The Urban Programme and the Sports Council's grant aid schemes have helped provide facilities in all our major cities, but these are not always fully used by those most in need. Young black people eg can be reluctant to use sports and leisure centres both because they are too expensive and because they appear to be dominated by whites.
2. The Sports Council has therefore launched a 3 year programme of sports oriented motivation and leadership training in London and the West Midlands aimed at increasing participation in sports by deprived groups in inner city areas and providing training in community leadership for suitable candidates.
3. In London, the Sports Council is recruiting 54 trainee "motivators/leaders". These will shortly be taking an induction course at Crystal Palace. In the West Midlands, trained leaders appointed by the Sports Council will in some areas be supported by MSC people. When these have been trained the leaders will hand the task over to them and move to a new area where a further 10 MSC appointees will be trained thus a network of leaders should be built up throughout the deprived areas of the region.
4. Among the Youth Service projects currently supported is a DES
one year foundation course in youth and community work at the National College of the Young Men's Christian Association. The aim is to enable mature people, in practice mostly from the ethnic

minority groups, to acquire the knowledge, skills and expertise necessary for acceptance to courses leading to a professional qualification.

DES

5. Schools seek to develop positive attitudes and values among pupils in a variety of ways and for a variety of reasons. In relation to knowledge about the law, the need for social control and crime and its consequences few schools take a head-on approach; this is particularly so in primary education.

6. There are a number of reasons why schools adopt an indirect approach to the promotion of order and positive behaviour and attitudes. These include the fact that there is no longer general agreement in society, if there ever was, about moral absolutes, obligations, duties, responsibilities and freedoms, or about how respect for authority, custom and accepted practice can best be encouraged and developed among the young.

7. Much of the theoretical and practical basis of modern child development and of teaching and learning places an emphasis upon enquiry, discovery and the critical appraisal of possibilities. Through methods based on these tenets it is claimed that the young can be guided to an acceptance of the need for order and discipline and an internalised understanding based on positive values and attitudes towards themselves and society.

8. A general consequence of these factors is that schools tend to emphasise positive attitudes, values and behaviour rather than studying the negatives of poor attitudes, anti-social behaviour and their personal and social consequences. In addition it is a matter of delicate balance to study and discuss negatives

without appearing to give some support to the things it is intended to discourage. Furthermore, schools and teachers have on occasions been subjected to the criticism of actually encouraging the adoption of undesirable attitudes and behaviour in their attempts to inform pupils about, for example, the serious consequences of drug or solvent abuse, sexual promiscuity or vandalism and delinquent behaviour. DES

9. It is against this background that schools attempt to establish positive values and behaviour in a variety of ways. All schools have rules and regulations intended to ensure that the institution is a tolerable place in which to live and work. Values such as tolerance, respect for reasonable authority and a realisation that order is a pre-requisite for good and protective relationships and work are explicitly encouraged and promoted. In part this is done through rewards and sanctions. In assemblies, classrooms and the informal interactions between teachers and taught respect for other people's views, for the school building and its environments and for the property of others are promoted explicitly and implicitly.

10. In particular subjects, such as RE, English and history, law and order feature in the work. In RE it is often a direct matter related to morality and issues of right and wrong. In English Literature it more often arises in relation to the characters and plots of plays and novels. In the teaching of young children there is a great deal in the stories read to and by the children that exemplifies the desirability of good and reasonable behaviour: children who steal or vandalise property

or who ignore or disobey reasonable authority suffer the consequences and those who resist these temptations are rewarded. Folktales, myths and legends also figure prominently in the stories for young children and these often show evil and disreputable people suffering the awful consequences of their actions and the good being rewarded. Literature used with older pupils is more complex in its handling of good and evil, crime and punishment and guilt and retribution. This literature is often complicated by the use by the writer of rebellion and at times crime as a rhetorical ploy to illustrate the hypocrisy or injustice or inflexibility of society at large (eg Sillitoe's "The Loneliness of the Long Distance Runner" or more complex still, Golding's "The Lord of the Flies"). History for young children places great store on the use of the lives of good people: those who set their faces against selfishness, intolerance, injustice, or who are involved in the reformation of criminals and the reduction of crime. But history is concerned with change and often deals with people and movements which initially set themselves against the law to bring about changes now seen to be desirable and good. Furthermore some of the central characters of history in positions of prominence and influence are far from good and law abiding in any simple or conventional sense.

11. More directly at the secondary level, social studies frequently contain law and order as a topic for study. In the main these topics deal with the organs of justice and law enforcement, although they rarely ignore the problems caused by crime as such. The North Western Regional Examination Board's "community studies"

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course includes crime, punishment and rehabilitation and deals with the causes of crime and vandalism as well as the possible reasons for their increasing incidents. Another CSE board's social studies course includes a citizens and law component that covers the obligations of the individual to the state, obligations to neighbours, rights when in trouble, punishments, appeals and the rehabilitation of criminals. DES

12. In a fair number of schools social studies is a part of the core curriculum and, as well as examination courses, LEA's are increasingly encouraging schools to systematically design social education packages. West Sussex has its "Education for living" plan and the OLB of Bexley has a social and personal education scheme that points out to teachers how mainstream school subjects can contribute. These and other similar developments contain elements on law and order.

13. Generally speaking, social science courses are more likely to diagnose crime and punishment as social phenomena whereas general studies courses incline more towards the study of the courts and the police.

14. A related strand is that of the study of the law as an examination subject. This is most commonly done at GCE O or A level. In the main these courses deal with definitions of contract and tort and outline the judicial structure. As such they rarely raise questions of right or wrong, but they deal with matters such as the need for law and certainly intend to build up a respect for the law as such. These courses feature in very few schools (9% approximately) and in general they are more likely to

be found in larger schools. The Law Society has for some time DES
been pressing for the law to feature more prominently in school
curricular on the grounds that every citizen ought to know the law
of the land and individual rights and obligations.

15. In addition the Home Office and the Schools Council have
commissioned the Crime Law and Society Project (CLASP). These
teaching materials are now in draft and are to be piloted in
schools in the autumn. They are intended for the 14 to 16 age
group of all abilities and they do deal with issues of law, order
and crime. The police representatives on this project pressed for
the messages about the consequences of crime and punishment to be
very direct but teachers resisted these pressures arguing for a
more indirect approach.

16. This is the core of the issue. Heads and teachers are
conscious that they are working in difficult and sensitive
territory: the erosion of community life and its internal controls;
lack of general agreement about attitudes and values; the fact
that children and young people can now look forward with less
certainty to an orderly progression from each stage of life to
the next; and the risk of being seen by pupils as seeking to
promote an unquestioning submission to authority however exercised.
Faced with these realities and difficulties many teachers rely on
methods other than modern counterparts of the Victorian morality
tale are reluctant to get too closely involved in the detailed
study of crime and its social and individual consequences, for
fear of encouraging among some pupils the very behaviour they
would like to see eradicated.

SCHEMES TO PROVIDE EMPLOYMENT, TEMPORARY WORK AND TRAINING
FOR THE UNEMPLOYED (PARTICULARLY FOR THE YOUNG)DE
MSC

1. These programmes are now very large. Nearly 600,000 people are benefiting from them at the moment and it is estimated that the unemployment register is lower by well over 300,000 as a result. The programmes are being further expanded and nearly £1½ billion is to be spent on them in 1982-83. About half of this will go on the Youth Opportunities Programme (YOP), which is to be developed over the next 18 months into a comprehensive training programme for all unemployed school leavers in the form of the Youth Training Scheme (YTS). For the long term unemployed, the existing Community Enterprise Programme (CEP), with up to 30,000 places, is to be supplemented by the new scheme announced in the Budget which is being developed by the MSC and is planned to offer 100,000 further places.

2. Within these major programmes there are a small number of projects which are more explicitly helpful to crime prevention, as indeed are a number of special services offered by the MSC to help ex-offenders back into the labour market. Thus, both YOP and CEP contain a small number of projects specifically catering for unemployed ex-offenders and others which are directed towards helping young people at risk in inner city areas. These projects are associated with the Urban Programme. The DE also funds 20 "outreach" Careers Officers attached to local education authorities in inner city areas with the job of contacting unregistered unemployed young people to see what can be done to help them take advantage of available services.

3. But although there are these connections with crime prevention, it is most important not to associate these major programmes directly with the prevention of crime. This is not one of their express aims and there is a very high risk that such an association would prejudice the acceptability of the programmes both to the sponsors of schemes and to those taking part. We simply note that these programmes are working in the right direction.

DE and
MSC

Training workshops

4. About £1½m is spent annually under the Urban Programme to fund training workshops for young unemployed people, including some of those also supported under YOP. The aim is to give training in basic skills and work experience to young unemployed people. For example the St Basil's Centre, Birmingham specialises in carpentry, Bristol Youth Workshops Ltd in the St Paul's District of Bristol covers both wood and metalwork, the Brass Tacks project in Hackney and London concentrates on repair and refurbishment of electrical appliances and furniture. Wherever possible workshops try to sell their products and services and to simulate commercial enterprises as closely as possible. Obviously the main objective is to help young people to obtain permanent employment. But because many of them are sited in areas with a very high proportion of disadvantaged young people (and indeed give priority to the most disadvantaged), they often pick up those who are "at risk" of being drawn into crime and may be instrumental in diverting them from this course. Some of the workshops in fact see this as

DOE

an important aspect of their work and develop links with local schools, community groups and probation services accordingly. Some centres combine training with help for the wider problems of their clientele. Bristol Workshops Ltd eg has arranged premises for a local youth centre and helped to provide facilities locally for young homeless people. The St Basil's centre in Birmingham itself runs a hostel for young homeless combined with an information and referral service and help for young people facing court appearances. The JMB Development Training is an example of a Youth Service project, supported by £5,5000 from DES in 1981/82, which comprises work with young people in their final year at school to enhance their prospects of gaining employment.

DOE
MSC

Funds have been agreed for 1982/83 to help develop the capacity of the National Association of Boy's Clubs to provide assistance for the young unemployed, with particular reference to Liverpool.

DES

11 6 JUN 1982





CC JV

2 MARSHAM STREET
LONDON SW1P 3EB

My ref: H/PSO/13732/82

Your ref:

JUN 1 JUN 82

John Larkin

CRIME

Thank you for your letter of 12 May about measures which could be taken within the Urban Programme to curb crime.

I am pleased that the interdepartmental group has been able to identify a positive contribution to crime prevention within my Department. In particular we should certainly make the most of the opportunities under the Urban Programme, provided that we can work within the overall priorities for inner city regeneration which I agreed with colleagues last year.

We have already included a reference to schemes relevant to crime reduction in the draft of our Traditional Urban Programme Circular for 1983/4, which is now with local authority associations for comment. I enclose a copy of the draft for your information: your officials have already seen it. I shall also write to Partnership and Programme authorities in due course, to draw their attention to this dimension of their inner area programme.

We could also, as you suggest, try to encourage more summer holiday schemes this year. Preliminary enquiries suggest that a maximum of £1m, though perhaps a good deal less, might be fed in, if we act quickly, by resurrecting good schemes which have previously been rejected and by extending existing schemes. This would be a very limited initiative. I must say that I think it is at best a presentational step.

I very much share your concern that our action might be misinterpreted. Since such a small amount is involved, and local authorities are already making substantial efforts in this area, that I would be happier if, in your report to the Commons, you could concentrate on the crime relevant work which is already been done under the Urban Programme (including holiday projects) and on the efforts we shall be making to develop this work in future, rather than mention this very specific and small scale initiative.

I also propose adding a reference to this year's traditional urban programme, commending the idea of these projects, of which there are already £800,000 worth approved for this year - and saying that we are willing to approve more next year. That could be announced, and would, I think, make a better impact than a handful of extra schemes this year.

yes to
[Signature]

MR. MOUNT

Thank you.

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my Whitelaw
to be name

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27/5

Public Order

We saw Hayden Phillips, the Home Office Under Secretary responsible for law and order, crime, police and terrorism this morning, and I undertook to record the main points.

Phillips reminded us of the principal public landmarks in the development of Government thinking since the civil unrest of last summer, all in the House of Commons: Mr. Whitelaw's speech of 16 July 1981, during the riots; Mr. Heseltine's subsequent announcement of the establishment of the Merseyside Task Force; Mr. Whitelaw's statement in December 1981 following the receipt of the Scarman Report; and Mr. Whitelaw's speech of 25 March of this year at the height of the crime panic.

There were three strands to the Government's approach to the response to the events of last summer.

Public Order

The achievements in this area since last summer included:

- (i) The equipment of the police with better kit, both aggressive and defensive (CS gas, plastic bullets, water cannon and riot gear).
- (ii) Greater attention to tactics and training, as evidenced in the police response to the recent trouble in Notting Hill.
- (iii) The development of "tension indicators" for monitoring the state of the community and providing earlier warning of trouble in areas such as the West Midlands, Brixton and Toxteth.
- (iv) Putting more police on the streets. There were some indications that this had lowered the crime rate in Toxteth.

CONFIDENTIAL

- (v) Establishment of consultation procedures as suggested by Scarman.

The Home Secretary believed that the police were now able to nip trouble in the bud smartly without having to embark upon a long drawn out street battle in which all their new gear would be deployed.

Crime

The new emphasis, after an extensive period where the police had become more reactive and more reliant on modern technology, was on prevention in its widest sense. This needed to include measures to provide adequate leisure facilities, attitude determination in schools, and appropriate action by the social services and the probation service. It was this area in particular that was being considered by the Working Party under Sir Brian Cubbon; but it was important to recognise that unlike terrorism, where central government had an immediate responsibility, crime prevention is highly de-centralised.

Work is also continuing, in a variety of working groups, to follow up the Scarman recommendations on police training and ~~sent~~isation, the complaints machinery and ethnic recruitment. But this would not yield short-term benefits.

Race

There were three elements:

- (i) The police, where the Home Office believe that they had taken forward the Scarman recommendations as far as they could.
- (ii) Inner Cities, where Mr. Heseltine's achievements, especially in the face of local political paralysis on Merseyside, were impressive.
- (iii) Racial disadvantage, which was awaiting the Report of the Select Committee.

In discussion we explored four further points:

CONFIDENTIAL

- 3 -

- (i) The consistency of the response to these measures by police authorities. Broadly, they were consistent over such issues as equipment and mutual re-enforcement; but less consistent over their attitudes towards consultation, and community policing.
- (ii) The prospects for this summer. The Home Secretary will be minuting the Prime Minister shortly, giving an assessment based on all available information. He would be reasonably optimistic; and he would make the point that it was extremely important to make a very firm response this summer, to prevent a pattern being set and expectations of violence being aroused. There would be no points for Ministerial decision, other than presentational issues should trouble occur.
- (iii) The role of the schools. We established that the Home Office would welcome our support for their view that crime must not be regarded solely as a police issue, but one where the consequences of law-breaking needed to be taught in the classroom. The DES had reported that teachers, fearing loss of their authority if they became identified with the police, were not keen to help.
- (iv) Developments in the treatment of offenders. The courts did now have a very wide range of options: community service was available, and could be used. If we wished to pursue this further, it would be helpful for you to discuss this with Tony Brennan, the Deputy Secretary responsible for the treatment of offenders, or John Chilcot, the Under Secretary in charge of prisons.

John Vereker

CONFIDENTIAL

27 May 1982

CONFIDENTIAL

MR. MOUNT

c.c. Mr. Whitmore
Mr. Ingham
Mr. Vereker

LAW AND ORDER: SOCIAL ATTITUDES

John Vereker reports that the Prime Minister has asked you to take a particular interest in policy issues arising in the areas of education, and law and order.

I think you will therefore wish to see the attached papers, which were put to the Prime Minister in March, when law and order was the main topic of public debate. They concern a proposal by Gordon Wasserman, a member of the CPRS, for a new initiative aimed at changing social attitudes, particularly within the family, which he sees as lying at the root of the problem. Its aim is to encourage teachers and parents to set clear and consistent limits to the behaviour of children and adolescents. It draws on work done by Professor Rutter at the Maudsley on juvenile delinquency, which was commissioned jointly by the Home Office and DHSS and which is due to be published in the autumn. In terms of action, Mr. Wasserman proposes that the Government should take a much closer interest in the training of teachers, and should consider changes in the teacher training system. He also proposes that once the Government is clear about what changes are necessary, the Prime Minister should launch the initiative by holding a seminar. To some extent, this would be a public relations exercise to stimulate public debate. Finally, the note suggests that a small unit should be set up in the Cabinet Office to work up this initiative.

These papers have since lingered in the Prime Minister's flat. You will see that at the time she showed little enthusiasm for the idea of a seminar, but favoured setting up a small unit in the Cabinet Office, presumably to work up the ideas in Mr. Wasserman's paper in more detail.

She also saw some value in the Rutter report, partly because it is useful in disassociating crime and unemployment. I remember

/ her suggesting

her suggesting at the time that we should consider bringing forward the publication of the report, especially if there was the prospect of trouble in the summer. From her comment on these papers, it is clear that she feels we must be ready to make some use of the report.

Because the papers went missing, this initiative fell by the wayside and since the Prime Minister did not raise the subject, we assumed it had not found favour. She did, however, speak to the Permanent Secretary in the Home Office, Sir Brian Cubbon, and asked him to instigate a general review of the problem of law and order with other departments. This led the Home Secretary to minute his colleagues in DOE, DHSS D/Employment, Scottish Office, Welsh Office and DES, and to hold a couple of meetings. You have seen the records of these. Following this an inter-departmental group of officials from these Departments was set up under Sir Brian Cubbon's chairmanship. This has produced a draft report which will probably be put to Ministers in two weeks time.

The Committee's report concentrates on practical measures that can be taken by these Departments in the medium and short term to help reduce the risk of juvenile crime, especially in the inner cities. It is about practical measures, not about changing the social attitudes that may lead to criminal behaviour. That aspect of the problem has still to be tackled head on, and I think officials in most of the Departments concerned may at present feel that it is hard to identify a role for Government in this area other than as a promoter of public debate.

I think you will wish to consider whether the Prime Minister should be advised to revive the ideas in Mr. Wasserman's report, in some form or another; and, if so, how they should be carried forward.

The Home Secretary's agreement to any new policy is obviously crucial. One way of putting the possibility to him would be to await the consideration of his report, and then to say that the Prime Minister welcomes the work done on the practical remedies

/ that can

that can be taken to reduce crime, but that she feels some complementary work on the root causes would be useful, and that she would like you and the CPRS involved in this.

W. S. Rickett

25 May 1982

SWYDDFA GYMREIG

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel. 01-233 3000 (Switsfwrdd)
01-2336106 (Llinell Union)

Oddi wrth Ysgrifennydd Gwladol Cymru



The Rt Hon Nicholas Edwards MP

From The Secretary of State for Wales

cc JV
HAK
WMS

WELSH OFFICE

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel. 01-233 3000 (Switchboard)
01-2336106 (Direct Line)

25th May 1982

D. White

Thank you for sending me a copy of your letter of 12 May to Michael Heseltine about the interdepartmental review and particularly ways in which the Urban Programme might be developed to make a contribution to crime prevention.

The Urban Programme in Wales in recent years has given considerable emphasis to schemes which have a direct relevance to crime prevention. For example on projects covering young people at risk, victim support, anti-vandalism and education/training schemes for disruptive individuals, the commitment has been over £650,000. More generally on schemes such as provision of community centres, playgrounds, kickabout areas and sports and recreation centres which certainly make an important contribution to a reduction in crime potential, over £3m have been approved since 1979, while those schemes which have a direct job creation element, on which some of the Programme has recently been concentrating, will have played their part in limiting the tendency of those unemployed to turn to crime. I intend to continue with all such schemes and to look for others with the local authorities and voluntary organisations. I shall too make clear in discussions with all concerned the continued importance of schemes with an anti-crime dimension.

I was particularly interested in your reference to holiday schemes. This year's Programme for Wales provides £250,000 for such schemes, by far the largest combined Easter and Summer Holiday Programme ever announced in the Principality. This compares with some £50,000 two or so years ago. I intend to monitor this year's schemes carefully and so provide a basis of experience on which perhaps to expand in future years.

I am sending copies of this letter to recipients of yours.

William Whitelaw
Neil

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON

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V. 100



26 MAY 1982





24/5

Home Affairs

DEPARTMENT OF HEALTH & SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

Michael Heseltine Esq MP
 Secretary of State for the Environment
 Department of the Environment
 2 Marsham Street
 LONDON
 SW1

21 May 1982

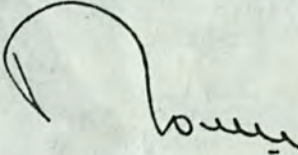
Dear Michael,

In his letter of 12[✓] May, the Home Secretary suggested that special emphasis be given in next year's traditional Urban Programme to measures with an anti-crime dimension and that this year's programme be reviewed for schemes which will take young people off the inner city streets this Summer.

I very much support these proposals. Intermediate Treatment and other community based schemes for example are important components of our strategy for the prevention of crime. Some have already been funded through the Urban Programme and an increase would be most valuable. But I would hope also that schemes which, if introduced now, could pay dividends in the future, would also be eligible. I am thinking particularly of day care facilities for young children where there are suggestions from the USA that such services can reduce delinquent behaviour later. There are also imaginative voluntary and community schemes, catering for school age children particularly those with parents working full time, which provide out of school and holiday care: there is little doubt that more could be done in disadvantaged areas if financial support were forthcoming.

No doubt you will be considering the practical details. It does however, seem important that the proposals should not be confined to the traditional Urban Programme but should extend, for example, to Partnership authorities.

I am sending copies of this letter to the Prime Minister, the Home Secretary and the Secretaries of State for Education, Employment, Scotland and Wales.

Yours


NORMAN FOWLER

MOORE, COL. W.

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ST. LOUIS

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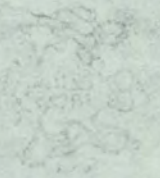
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DEPARTMENT OF THE ARMY

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Home Affairs
Prime Minister 2

QUEEN ANNE'S GATE LONDON SW1H 9AT

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n/s

12 MAY 1982

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When you, Keith Joseph, Norman Fowler and officials from other key departments joined me in discussions on the upward trend in reported crime on 25th March, we set in train an interdepartmental review. This was to take stock of work already in hand with the aim of identifying further practical proposals which might be taken locally to curb crime.

The interdepartmental group led by Sir Brian Cubbon has been able to cover much of the ground and expects to report very soon. Among the more encouraging messages to have emerged is the contribution already being made by the Urban Programme to local schemes which, among other benefits, help to reduce crime, and I hope we shall be able to look to it to play a substantial part in the further development of new initiatives and proven schemes which are being identified.

I am writing to you now in advance of the main report because I understand that in the next few days you will be considering two matters connected with the urban programme which are relevant to all this work.

The first is the circular calling for bids for next year's traditional urban programme. I very much hope that you will agree that the circular should specially invite bids which have an anti-crime dimension.

Secondly, and more urgently, I hope that you can find ways of using this year's proposals to boost new schemes which will take young people off the inner city streets this summer. The interdepartmental group of officials has discovered some worthwhile local initiatives which might be expanded or copied this summer if resources could be diverted to them. More holiday schemes appear a possibility. The dual use of schools and free access to local authority leisure facilities are other examples. Clearly, there is no cause for disturbing basic priorities by supporting ill-considered schemes of unsure quality, and there may be some awkwardness in returning to local authority bids so soon after many of them have been rejected. But if there are suitable schemes which failed to be fitted in to this year's urban programme, I believe we should try very hard to find support for them.

I am extremely grateful for the help which D.O.E. officials have given in this review. I realise that extra work will be created for your Department in getting more holiday schemes going. But I hope that you will sanction it.

/In the law

The Rt. Hon. Michael Heseltine, M.P.

In the law and order debate in the Commons on 25th March I mentioned our interdepartmental review and promised to report on its work. When I do so, I should like to be able to refer to some further limited help which we are giving to anti-crime schemes this summer, as well as reporting on the longer term ideas which are emerging from the official discussions. We must not do this in a way which runs the risk of implying that we expect inner city disorder to occur again this summer. The message I want to concentrate on is that by stimulating specific local action we are creating a climate of opinion which accepts that anti-crime measures are the business of everybody and that a great deal can be done locally, on a self-start basis.

I am sending copies of this letter to the Prime Minister, and the Secretaries of State for Education, Social Services, Employment, Scotland and Wales.

Lord Street 5

From: THE PRIVATE SECRETARY

CFPPS?
Home



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

AS/AM

-2 APR 1952

Recd W. F. S. Rickett
M type
WA
24

Thank you for your letter of 23rd March enclosing the letter which the Chairman of the Conference of Chief Probation Officers sent the Prime Minister before last Thursday's law and order debate.

I think that the Prime Minister need do no more than send a brief reply welcoming the C.P.O.s support for the Government's policy, and taking the opportunity to acknowledge the contribution which the probation service makes. ... A draft on these lines is enclosed.

I am enclosing a copy of the letter to Home Secretary sent to Mr Bewis.

Your ever
A. P.

A. P. JACKSON

W. F. S. Rickett, Esq.

DRAFT LETTER

ADDRESSEE'S REFERENCE

TO	ENCLOSURES	COPIES TO BE SENT TO
<p>G. Bevis, Esq., Chairman of Conference of C.P.O.s, Chief Probation Officer, Cheshire Probation & After Care Service, 121/123 Long Lane, UPTON, Chester, CH2 1JF</p> <p>(FULL POSTAL ADDRESS)</p>	<p></p>	<p>P.S./Home Office.</p> <p>(FULL ADDRESSES, IF NECESSARY)</p>

LETTER DRAFTED FOR SIGNATURE BY PRIME MINISTER
 (NAME OF SIGNATORY)

Thank you for your letter of 22nd March about the law and order debate in the House of Commons last week.

I welcome, as I know the Home Secretary does, your support for our policies on law and order. It was a helpful gesture on the part of you and your fellow chief probation officers to write in support of our policies before the debate. The difficult problems which crime confronts Government and society with can only be tackled effectively by a united response. May I say how much I value the contribution which the probation service makes to that response.



QUEEN ANNE'S GATE
LONDON SW1H 9AT

26 March 1982

Dear Mr Bevis

The Prime Minister has shown me a copy of your letter of 22nd March to her about the law and order debate in the House of Commons. I know that she will be replying to you separately but I just wanted to write to you to say how very grateful I was to you and your fellow chief probation officers for your expression of support for the Government's strategy on law and order.

Yours truly
William Whitely

G. Bevis Esq.

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2 APR 1982

Home Agg

Prime Minister 2



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

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26/3*

25 March 1982

Dear Imogen,

CRIME

Your Secretary of State, accompanied by the Secretary of State for the Environment and the Secretary of State for Social Services, met the Home Secretary at 9 o'clock this morning to discuss his minute of 1 March about crime and the replies that had been sent to it. The Parliamentary Under-Secretary of State at the Home Office (Lord Belstead) was also present, as were officials from the Home Office, your Department, the DoE, the DHSS, the Scottish Office and the Welsh Office.

The Home Secretary said it was increasingly being recognised that current levels of crime called for a response not only from the police but also from other social agencies. The Circular which had been issued jointly by the Home Office, DES, DHSS and the Welsh Office in 1979 has gone some way in that direction, but still left the primary responsibility on the police. It was now important to show that other agencies could act independently of the police, so creating a broader base from which to attack criminal behaviour. He was therefore grateful for the response which his colleagues had made to his minute of 1 March.

In general discussion the following main points were made.

- (a) In the educational field, a number of things were already being done, but much depended on the qualities of individual head teachers, and the attitude of local education authorities. The Inspectorate took what opportunities it could, but the Secretary of State had no relevant statutory powers. The Youth Service had an important role to play, particularly in encouraging voluntary work. Joint efforts by the police and local education officers to deal with truancy were also worthwhile. Some teachers who were sympathetic to the police nevertheless had to "distance" themselves from them in order to carry influence with children and young people at school who had absorbed anti-police views in their homes and elsewhere. A report on the availability of school facilities for community use had suggested that no more could be done to encourage such use without disproportionate expense and effort, but it was suggested in discussion that in some places - for example Merseyside - the refusal of school caretakers to agree to community use had blocked it. The Minister for Sport was making proposals which were relevant in this context, and it was agreed that the possibilities deserved further examination. So, too, did the use of crime

prevention equipment at schools to prevent burglary and vandalism.

- (b) In discussion about the Urban Programme, it was suggested that additional provision could result in the employment of more people whose activities could tend to promote further social unrest. Wider issues, including the structure of local government and current levels of unemployment, aggravated the situation in the areas where trouble was most likely to occur. Although following the Merseyside Study a number of decisions had been taken as quickly as possible, results on the ground would inevitably take time to become apparent, and there were signs that the media would use the anniversary of last year's riots to attempt to show that nothing had changed on the ground in the worst affected areas. Mr. Heseltine handed the Home Secretary a draft of the reply which he had been about to send to his minute of 1 March (a copy is enclosed with this letter for the information of all recipients).

- (c) In discussion about activities in the DHSS field, attention was drawn to recent research which had shown that criminality amongst young people could be associated more with family circumstances than with any other social factor. It had to be remembered, when attempts were made to link levels of unemployment with rates of crime, that it had been widely believed some years ago that increasing crime could be linked with increasing prosperity. Against the background of high reconviction rates for people sent to borstals and detention centres, the DHSS believed it was desirable to develop further the facilities for intermediate treatment within the community.

It was agreed in further discussion that officials of the Departments concerned, with the Home Office in the lead, should take stock of what was already being done by central Government to encourage local measures directed towards a reduction in crime, and identify further practical proposals with a view towards making an early report. The Home Secretary circulated a draft passage which might be included in his speech in the debate in the House of Commons that afternoon. The draft was agreed in principle, subject to some amendment which was to be agreed between officials. I am enclosing with this letter a copy of the relevant extract from the speech as it was finally agreed.

I am sending copies of this letter to the Private Secretaries to the Prime Minister, the Secretaries of State for the Environment, Social Services, Employment, Scotland and Wales, and the Secretary of the Cabinet.

Mrs Owen

John Halliday
J. F. HALLIDAY

DRAM REPLY

Thank you for sending me a copy of your letter of 1 March 1982 to Keith Joseph, about the need for wider consideration of measures to prevent crime.

I obviously agree that the increasing incidence of crime, particularly among young people, is a cause for concern, although I would hesitate before drawing general conclusions about the St Saviour's incident, where, I understand, that a number of particular circumstances combined to produce an exceptional situation. Significant factors were a large turnover last summer of teachers, inadequate fitting of teacher vacancies, a weak headmaster and a failure of the LEA to monitor development at the school. My Merseyside Task Force have told me that the local authority had to be very careful in not promoting a large police presence in a very sensitive area, but that where the police did intervene, they were very helpful in calming the situation. That incident illustrates very well the two central themes of your letter; that although the police necessarily have the major role in combatting crime, theirs should not be the only one, and the importance of working towards prevention of crime, rather than simply mopping up the aftermath.

Public expenditure constraints necessarily limit our room for devoting additional resources to this problem, serious though it is. Although we are for example making extra funds available to deal with the special problems on Merseyside, the revenue consequences of large scale social programmes aimed at crime prevention could be enormous. A more realistic approach may be to try, as you suggest, to build in a crime prevention slant into existing schemes.

My own reading of the Scarman report and my involvement on Merseyside have convinced me that crime prevention depends above all else on an understanding of local circumstances and a willingness to work with local communities. I agree with you therefore, that it is those who provide local services who have the greatest opportunity to influence the crime rate. Within this Department we have seen this demonstrated very positively in the housing field, where the twin aims of making the best use of our public sector housing stock and crime prevention have come together.

Local authority estates which are badly run-down and which, for this reason, have become difficult to let, are seed-beds for social disorder. My Department is actively engaged in helping to turn round such estates at Bolton, Hackney and Lambeth through its Priority Estates Project and in disseminating the results of experiments in localised, intensive management; in encouragement of tenant participation in management and maintenance decisions; and in measures to step up security. My Department is also involved in the 6 community refurbishment schemes which have been approved in Merseyside.

You will be familiar with the work of MACRO's Crime Prevention Unit which stems from the successful community consultation project with Halton Borough Council, Cheshire, in 1976 leading to improvement of a vandalised post-war housing estate. My Department supports the Crime Prevention Unit's continuing work through its Small Grants programme.

MACRO recently arranged a national conference under the title 'Community approaches to crime prevention', at which I gave the opening address (a copy of which is with this). This brought together representatives of a number of organisations including the police, the probation service and local authorities. I am sure such conferences are a useful way of fostering the inter-agency approach which you wish to encourage. Perhaps we could usefully look at ways of repeating ^{the conference} on a regional basis.

As you may know, my Department published last year the Housing Service Advisory Group's report 'Security on Council Estates' and sent a copy to all housing authorities in England and Wales. A copy is with this. The report examined, among other things, ways of

limiting opportunities for crime, for example by restricting access to estates and by installing entry telephones and TV surveillance systems, which can be eligible for housing subsidy. Experience has shown that tenants are prepared to pay more rent to cover the cost of security systems when they know that they will benefit from added protection.

More generally, I think we should encourage local authorities to work more closely with the police force, in order to build a crime prevention element into their activities. We have made a start in this direction in our work in inner cities problems, where a high crime rate is, as you know, just one of the serious problems we face. The membership of two of our Inner City Partnership Committees - Birmingham and Lambeth - includes the police. This provides a useful way for the police to feed in their own practical expertise on particular schemes which can perhaps point up the crime prevention possibilities as well as allowing them to find out more about what is going on in the area. In principle we should like to extend this form of co-operation to the other Partnerships, although its usefulness must of course depend on local circumstances. Although I am sure that there is scope for greater co-operation, it must be pitched at the right level. Although the initial impetus may need to come from the top, ^{by} through the inner city partnership, it may be that, ultimately, the policeman on the beat can achieve most by talking to local government officers.

Where the behaviour of young people from ~~by~~ the ethnic minority populations is concerned, I hope that George Young, with his special responsibilities for race relations questions within the Department will be able to encourage local authorities to develop policies of consultation and good practice which will succeed in lessening the sense of alienation felt by so many young blacks in the inner cities, though this is clearly a mammoth task.

I would be very willing to discuss ways in which we could improve co-operation between local authorities and the police, either just in inner city areas through the Partnerships or more generally in other areas at the sort of meeting you describe.

Thus a realistic strategy against crime must recognise that it is a problem for all the community and cannot be left to the efforts, determined though they be, of the police alone. Nor can it be left to the consciences and goodwill of individuals. A special responsibility rests with all those in positions of authority and all the public services concerned with individuals and communities.

I have discussed these matters with my Rt. Hon. friends the Secretaries of State for Environment, Education and Social Services. We are agreed that there is a large potential area, quite separate from direct police action, for local initiatives to curb crime, to reduce the opportunities for crime and to encourage a sensible climate of opinion and local leadership. I emphasise local measures.

The Government has a national responsibility to encourage, support and guide such efforts, but the problem can only be tackled effectively where it occurs and that is on the ground, in the localities where the problems are greatest.

The educational and social services, particularly good schools, are important agencies for the reduction of crime. The Urban Programme is another source of practical support in the areas where many of the worst problems are found.

My Rt. Hon. Friends and I are taking stock of the work now in hand with the aim of identifying further practical proposals which can be developed locally to curb crime. I intend to let the House know what emerges from this work, which must be closely linked with the programme of action on community/police consultation which I have already announced.

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DEBATE ON POLICE EFFECTIVENESS AND CRIME

HOME SECRETARY'S SPEECH: 25 MARCH

The recent Parliamentary, public, and press debate and comment about crime, law and order, and policing will have served a good purpose if it prompts a measured and realistic response. I hope that this debate will deal with the reality of the problem and address itself to what the Government has done, and will do, in respect of all the parts of the criminal justice system. In my speech I intend to deal not only with policing but also with the process of trial, and with prisons; and with the effectiveness of each.

We inherited a depleted, and therefore demoralised, police service. Rewards for an enormously difficult task were inadequate and the rapid loss of experienced officers badly threatened police effectiveness. That situation has now been transformed. As one of the very first acts of this Government, in the first week of office we implemented the Edmund-Davies pay arrangements in full. Police strength in England and Wales has increased by over 8,000 since May 1979. Almost all forces are now up to their establishment. And the Metropolitan Police, for years thousands short, has topped the 25,000 mark and will reach its establishment in the foreseeable future.

The restoration of the basic health of the police service, and its rapidly growing strength, have enabled two crucial

/steps to be

steps to be taken. First, increasing numbers of policemen, throughout the country, are going back on the beat, into the communities they are there to serve, no longer trapped by false economy behind the steering wheel of a panda car. I sometimes read articles, or hear speeches, that give the impression that so-called community policing is the prerogative of the critics of the police. This is not so. It is increasingly the rule rather than the exception, and it has been made possible, in our inner cities particularly, by the rapid growth of manpower.

Second, the new strength of the police service has enabled police and Government to engage together in rebuilding and remoulding police effectiveness. We are now engaged in a thorough re-examination of training, and improving the quality of supervision and management.

Moreover, in the past few years the police have had to tackle a range of new, or growing problems. And they, with full Government support, have developed new organisational, tactical and technical changes which have improved their effectiveness. The successes are major ones.

There is no more testing modern challenge than that of terrorism. To combat it in all its forms - bombings, assassinations, sieges, hijackings - is highly intensive in terms of resources and has required the rapid development of specialist skills and contingency planning. Skilled protection, painstaking investigation, patient negotiation,

/and tight

and tight command and control, have brought the police, and therefore the public, the rewards of success. Princes Gate and Stansted were outstanding examples: but so, too, has been the inevitably unpublicised effectiveness of preventive action.

Improvements in planning, command, tactics, training and equipment are also the hall marks of increased police effectiveness in the face of serious disorder. These have been built not out of instant reaction but out of careful work on deployment and response, particularly since the events in Bristol in April 1980. In two fields the impact on effectiveness is clear; first in the provision of mutual aid, the arrangement by which one force provides assistance to another which is under pressure. The disturbances of last summer called for national co-ordination. This did not just happen but was planned and arranged by a team directed by the President of the Association of Chief Police Officers, an Inspector of Constabulary, and a senior Home Office official. The logistical arrangements, tailored between forces, rapidly deployed assistance, and were matched by command and control systems within forces. Secondly, the equipment now available to the police for their protection has enabled chief officers better to adopt positive tactics to break up violent groups. Earlier this week, at the Police Staff College at Bramshill, chief officers held a comprehensive seminar to cover all these points, and considered together the priority which must be given to preventing disorder, as well as the necessity of reacting to it.

The police have also adapted their operational techniques to overcome the methods of the most highly organised criminals operating at the national and international level. Worldwide networks of drug importers and distributors have been broken up and large seizures of cocaine, heroin and cannabis have been made. Against major gangs of robbers and burglars, operating across the country, the police are steadily scoring important successes. And such success, against highly sophisticated criminals, can only be brought about by the effective organisation of criminal intelligence, the concentration of effort onto carefully selected target criminals and, often, a high degree of co-operation between officers from Regional Crime Squads and a number of different police forces. Between them these officers possess an impressive range of detective and specialist skills and the police record of detection of the most serious crimes - which is excellent - bears this out. In 1981, 97% of the 559 homicides in England and Wales were cleared up by the police. In the same year there were some 6,300 offences involving danger to life; and 80% of these were cleared up.

In relation to terrorism, public order, highly organised crime, and the most serious crime, there is a record of action and success of which the police can be proud, and the public reassured. But individual members of the public are often more closely affected, in their homes and on the street by other crimes, particularly burglary and robbery.

Before I discuss the action being taken to tackle these persistent problems I should refer to the recent decision by the Commissioner of Police of the Metropolis to publish

/figures of

figures of the racial appearance of people involved in street robberies in London. It has been said by some that these figures should not have been published because of the harm they may do to race relations. I disagree. It is better for such problems to be discussed in terms of the facts rather than rumour. This was the policy I adopted in connection with the recent study carried out by my Department into racial attacks. I believe this was the right course.

Mr. Speaker, crimes of burglary, mugging, and vandalism are serious problems rooted often in particular communities. They often require particularly local measures to deal with them; but there are four strands of action to be taken and an effective approach needs to link them together.

First, the local community has to see that action is possible and is being taken, both to try to reduce the level of crime and to remove fear of it. This must mean that police are put back onto foot patrol where they build up detailed knowledge of their beat and can be identified more closely with the local community. In addition to men already deployed in that way, in London 900 more officers have already been returned to beat duty, 300 in Greater Manchester, and the story is the same in places as different as Toxteth and Sussex. The Commissioner has further plans for another 300 men to be put back on beats.

Secondly, there needs to be a reappraisal of methods and tactics employed. As I have said, in dealing with highly

/professional

X professional criminals, police success comes from the organisation of criminal intelligence and from focussing attention upon target areas and target criminals. The same principles are being applied with success to operations against more local crimes and criminals. Such operations are not restricted to an occasional show of strength which may briefly send the criminals to ground, but they have been and must be sustained until the criminals are caught and brought to justice. Special burglary squads, for example in Sussex^{area}, and street crime squads too, for example in the West Midlands, by applying these techniques in new adapted ways, are achieving encouraging successes. These efforts on the ground are being supported by Home Office research into methods of deployment.

Thirdly, in tackling the problem of local crime, crime prevention has a crucial part to play. It has been undervalued up to now by many householders and businessmen. It does not cost a great deal to install improved physical defences which make the task of the criminal much more difficult. But the rewards of this outlay can be great in terms of security, losses avoided and peace of mind gained. Crime prevention needs to be operated by local voluntary and Government agencies as well as by individuals. Voluntary crime prevention panels, of which there are now 180 in England and Wales, have for some time been doing good work, mainly by means of schemes to improve physical security. But planning has an important part to play in local crime prevention: for example, street lighting, local housing developments and recreational facilities can be planned and

developed so as to limit the opportunities for crime. This is an area in which the Government will look to local authorities and other agencies for an increasing involvement with the police at a senior level.

The fourth strand of action in dealing with local crime is the way in which the police, other agencies and the community together take practical steps to tackle particular problems. There is a major task here for new consultative arrangements, as this local approach is the most effective way to deal with particular neighbourhood problems. Such local initiatives are essential but they require co-ordination, firm encouragement, and the means of spreading good practice.

Thus a realistic strategy against crime must recognise that it is a problem for all the community and cannot be left to the efforts, determined though they be, of the police alone. Nor can it be left to the consciences and goodwill of individuals. A special responsibility rests with all those in positions of authority and all the public services concerned with individuals and communities.

I have discussed these matters with my Rt. Hon. friends the Secretaries of State for Environment, Education and Social Services. We are agreed that there is a large potential area, quite separate from direct police action, for local initiatives to curb crime, to reduce the opportunities for crime and to encourage a sensible climate of opinion and local leadership. I emphasise local measures.

The Government has a national responsibility to encourage, support and guide such efforts, but the problem can only be tackled effectively where it occurs and that is on the ground, in the localities where the problems are greatest.

The educational and social services, particularly good schools, are important agencies for the reduction of crime. The Urban Programme is another source of practical support in the areas where many of the worst problems are found.

My Rt. Hon. Friends and I are taking stock of the work now in hand with the aim of identifying further practical proposals which can be developed locally to curb crime. I intend to let the House know what emerges from this work, which must be closely linked with the programme of action on community/police consultation which I have already announced.

In addition, all these actions must be buttressed in another, and crucial, way. We in this House have a duty to ensure that the police are provided with the legal powers they need to discharge the heavy and difficult responsibilities we impose upon them. We have a duty also to ensure that these powers are accompanied by due safeguards for the citizen. The Royal Commission on Criminal Procedure carried out a thorough examination of the existing law on police powers with both these considerations in mind. It made proposals, too, about the initiation of criminal proceedings and, less comprehensively, about the trial process. We debated the Royal Commission's report last November and there was general agreement about the value of the Commission's work and the

/need for reform

need for reform. My hon. Friend the Minister of State and I were able then to tell the House some of our thinking on the issues raised by the report. I can say today that I accept the case which the Royal Commission have made for some extension of police powers, in particular by rationalising the existing powers to stop and search for stolen goods, and by introducing powers to stop and search people for offensive weapons, and to search premises for evidence in difficult cases. I intend to bring forward proposals for legislation on these lines.

The whole process of improving police effectiveness is neither static nor partial. It requires of chief officers the development of a comprehensive strategy in the allocation of manpower within their forces. Nationally I, as Home Secretary, have a responsibility for promoting and stimulating good practice and new lessons. I intend to carry it out to the full, with the support of Her Majesty's Inspectorate of Constabulary. In view of the increasingly national dimension of many of our problems, and my responsibility for promoting efficiency, I have asked Sir James Crane and his colleagues to concentrate their attention on the way in which priorities are set, resources managed and good practice promoted. In the Metropolis the Commissioner, his senior officers, and the Metropolitan Police Inspectorate will pursue the same approach. One of my major responsibilities as Home Secretary is to ensure that the link between London and the provinces is fully forged, to the benefit of both; and that national policy enables and supports local initiative.

Amidst the focus on crime of recent weeks, there have also been calls for institutional changes, some of them pointing in contrary directions. As far as Lord Scarman's recommendations are concerned, the Opposition, while allegedly supporting his report, appear neatly to sidestep a principal recommendation that the Home Secretary should remain the police authority for the Metropolis. I do not believe it would be responsible to set aside the major local and national responsibilities of the Metropolitan Police which prompt their accountability to a senior Cabinet Minister, nor blur this clear line of my accountability to this House. Nor do I believe that outside the Metropolis we should look to major institutional amendment of the Police Act 1964. Its basic structure remains, in my view, a fully adequate framework for developing the proper roles of chief officer, police authority, and Home Secretary, and for enhancing police effectiveness. Within its structure, and separately in London, we shall press forward action to strengthen community consultation.

This is not the occasion for a formal tribute but I should like now, as well as more formally later this year, to thank Sir David McNee for his steadfastness, co-operation and calm professionalism. I am grateful to Sir Kenneth Newman for being ready to put his experience and skill to the service of the people of London and the nation from the beginning of October.

/Mr. Speaker

Mr. Speaker, it is time that the sterile debate about hard and soft policing were ended. The range of activities I have outlined in improving effectiveness, the major successes that the police have achieved, and the complex of problems they face, cannot be summed up in those terms. Such debate is irrelevant and misleading. Over 99% of the great increase in police strength since I became Home Secretary has been in the ranks of Constable, Sergeant and Inspector: new men on the ground, and immediate supervision for their effective deployment. They know that effectiveness in tackling crime needs carefully planned vigorous law enforcement and consistently applied community contact and consultation. Neither on its own is sufficient in policy or practice; both are necessary.

The Trial Process

However, the effectiveness of the police depends upon, and is inseparable from, the effectiveness of the criminal justice system as a whole. We need therefore to concern ourselves also with the working of the courts, and of the services which deal with convicted offenders. As regards the trial process, an issue over which much anxiety has recently been expressed - justifiably in my view - is the integrity of the jury system, and the need to exclude from juries people who have themselves been convicted of crime. The present law debars those who, within the past ten years, have served a prison sentence of three months or more. It is our view that the area of disqualification must be widened so as to exclude anyone convicted of an imprisonable offence during the past ten years,

/even though

even though no immediate sentence of imprisonment was imposed. It is quite wrong that someone convicted of a serious offence should be allowed to serve on a jury merely because the court dealing with his case found it possible to take a fairly lenient course by imposing, say, a fully suspended sentence of imprisonment, or a community service order. Juries should be representative of the law-abiding community. I intend to bring forward proposals on those lines and to take the earliest suitable legislative opportunity.

Sentencing

The maximum penalties for particular criminal offences are fixed by Parliament. Within those maxima, the individual sentence is decided by the court. The independent role of judges and magistrates in sentencing is vital to maintaining public confidence in the criminal justice system. It would be a bad day for this country if that power were ever to pass to politicians, of any shade of opinion.

For serious offences the existing law already provides maximum penalties higher than most people suppose. The most serious crimes of violence, including manslaughter, rape, robbery, using a firearm to resist arrest, and possessing a firearm with intent to endanger life, carry liability to life imprisonment. For other serious offences - including burglary, handling stolen goods and trafficking in certain drugs - the maximum is as high as 14 years. I know that the courts are aware of the feeling of this House and the public at large that violent criminals should expect to receive

/substantial terms

substantial terms of imprisonment. Hon. Members may recall that, in his judgment in the case of Bibi, the Lord Chief Justice made it clear that "for most offences involving serious violence" a medium or longer sentence of imprisonment will generally be appropriate.

With your indulgence, Mr. Speaker, I should like very briefly to mention the Criminal Justice Bill which will help to strengthen, extend and make more flexible the range of sentences available to the courts. It meets in particular the widespread concern that the courts are unable to deal effectively with the increasing involvement of young people in crime. The Bill repeals section 3 of the Criminal Justice Act 1961 and so restores the power of a judge dealing with a young adult to impose a determinate custodial sentence of any length within the maximum appropriate to the offence. In relation to all young offenders, the Bill reduces both the minimum and the maximum term of a detention centre order so as to achieve consistency with the new brisker regime which we have already introduced in four detention centres. In relation to juveniles, it strengthens the powers of magistrates when dealing with children subject to care orders; it also contains provisions designed to increase the courts' confidence in the use of supervision orders. In these ways we are providing the courts with realistic alternatives to committal to detention centre or youth custody, and so enabling them to be more discriminating in their use of custodial sentences. We are also strengthening their powers to bring home to parents, where necessary, their responsibility for their children's wrongdoing. In relation to summary offences by adults, the Bill brings maximum fines up to more realistic levels.

/We are

Prisons

We are enabling a greater number of offenders to be dealt with outside prison by increasing the number of attendance centres and by giving extra resources to the probation service. But, for those offenders whom the courts find it necessary to send to prison, places must be provided. Our policy here is to make the most effective use of our limited resources, under constraints imposed by the neglect of our prison system under previous Governments. This Government has substantially increased the resources available to the prison system. The present building programme should produce 5,000 new places in the 1980s. The construction of eight new prisons is to start in the period 1981 to 1985. There are also fourteen major capital projects at existing establishments on which we are spending £23 million in the current financial year, and there are dozens of smaller schemes elsewhere. Major reconstruction projects are planned at over 60 establishments. Through these unprecedented efforts, instead of allowing the deterioration of the fabric of our prisons to continue virtually unchecked, we are ensuring that the capacity of the system is maintained and improved.

We are determined to ensure that there will be room in the prison system for every person whom the judges and magistrates decide should go there, and we shall continue to do whatever is necessary for that purpose.

/I welcome the

Conclusion

I welcome the opportunity which this debate provides for hon. Members to voice their concern about crime and how it should be dealt with. I do not underestimate the gravity of the problem, and I shall consider carefully all the views that are expressed. I am grateful to the Rt. Hon. Gentleman for the opportunity he has given me to restate all that the Government has done and is doing to promote the effectiveness of the police and of the whole criminal justice system, and to pay tribute to the excellent work that is being done by all the services who have to cope with crime and criminals at first hand.

We all have a democratic right to scrutinise the working of our institutions and public services, and their effectiveness in carrying out their tasks. But it is important, most of all for us in this House, that our right of scrutiny should be exercised in a balanced and responsible way. We should not pretend that all is perfect; it is equally our duty to avoid wild exaggeration and merely destructive criticism. Let us remember not only what it is we are fighting against - against crime, often greedy, sordid and brutal - but also what it is we seek to defend: a decent and humane society, which is able to meet the challenge of crime with a calm and determined resolve, and even in self-defence will preserve, not abandon, its confidence in its own values.

Biggs D. Latham. Ketterer.

Powell: tampering by civil servants of politicians.

Non-mining:

Dals: Co-operation between north & south.

Marlow & Winton.

GWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switchboard)
01-233 6106 (Linell Union)



Prime Minister 2
The Home Secretary will be holding a preliminary
meeting of ministers on law and order this
morning.

WM
25/3

WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-233 3000 (Switchboard)
01-233 6106 (Direct Line)

Oddi wrth Ysgrifennydd Gwladol Cymru The Rt Hon Nicholas Edwards MP From The Secretary of State for Wales

ms 24th March 1982

Den Willie

Thank you for sending me a copy of your minute of
✓ March to Keith Joseph about action that might be taken
to prevent crime. I have since seen Keith Joseph's reply
of ✓ March to you.

I also am very willing to be associated with your initiative,
and my Department will help as much as it can. The Welsh
Office will have a role in implementing in the Principality
whatever arrangements will be agreed between us, and which
will be put into effect in England by the Departments of
Education and Science, Health and Social Security and the
Environment. We would therefore be glad to be closely
involved in the exercise as it progresses.

As you pointed out in your minute, work has been going on
in this field in recent years, and there have been several
initiatives taken in Wales in which my Department has been
involved. I hope that this will continue, since the Welsh
Office, as a multi-functional Department, is particularly
well placed to encourage such consultative arrangements.
There is already collaboration between the Education, Health
and other Groups within my Department, and we have close
liaison with the local authorities and other agencies in
Wales. As far as the police are concerned, there are already
several collaborative schemes in existence - for example
the North Wales Police/School Liaison Scheme and a Juvenile
Affairs Committee in the area of the South Wales Police.
It is here that we have an "interface" between your
Department's responsibilities and mine.

/I understand ...

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT



SECRET

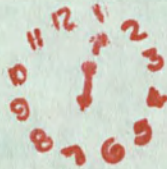
I understand that you have planned a preliminary meeting to discuss these matters on Thursday 25 March. I would be grateful to have the Welsh Office represented at that meeting by an official. For subsequent meetings, I would wish either Michael Roberts or myself to be involved.

I am copying this to recipients of yours.

J es

Ned

25 MAR 1982



LM
24/3

Home Secretary

M

CRIME

You wrote to Keith Joseph on 1 March about the rise in recorded crime this year. I share your concern, and especially about the numbers of young people involved. Since 1971 my Department has had the responsibility for guiding local authorities in their work with children at risk and in trouble, including preventive work with vulnerable families with young children, reports to the Courts on individual children, and the care and supervision of many juvenile offenders.

2. I am giving high priority to ways of motivating and helping local authorities in these tasks. To extend our background knowledge, we can point to our commissioning, in July 1979, of the report "Juvenile Delinquency - Trends and Perspectives" by Professor Michael Rutter which affords a useful basis for developing policies. It will be published later this year.

3. A centrally funded programme has, since 1976/77, resulted in local authorities providing some 400 secure places in their residential accommodation for children in care, at a capital cost of about £8 million; a further 140 places are being built. This programme adds to the facilities available for hardened absconders and serious young offenders, and helps the protection of the public.

4. For the majority of juvenile offenders it is right to turn to community based alternatives. The strengthened "supervision order" in the Criminal Justice Bill should help. But the main requirements are more and better programmes of "intermediate treatment" (IT). The IT programme provides community-based non-residential activities for youngsters who get into trouble. Projects include supervised periods of work in garages, workshops

This report was summarised in the attachment to Mr Wassermann's paper, which I believe you still have.

LM
24/3

and so on; organised and strenuous outdoor activities; special educational programmes, and community work with old people. IT is expanding and proving acceptable to the Courts in appropriate cases as alternative to borstal or detention centre sentences. I am giving more central money to voluntary organisations and to the IT Fund. Local authorities are spending £9 million in 1981/82 (£6 million in 1980/81).

5. Within a few weeks I shall launch, with DHSS funds, a new NACRO (National Association for Care and Resettlement of Offenders) project. This will help to demonstrate the value of involving responsible voluntary bodies in joint action with social services and education departments, police, probation officers and others, to control juvenile offending.

6. Effective co-operation between all services locally is certainly a key factor in sustaining any worthwhile initiatives we can take from the national level. We might seek further advice and proposals from the official Interdepartmental Group on Juvenile Delinquency which, I understand, is working on this topic.

7. I want to review with local government the progress made by their social services departments in developing methods of working with delinquents. Therefore - and fitting in with any concerted action we decide to take - I shall ask the local authority associations to talk about collecting and disseminating information on sound strategies and good practice in this sector.

8. In general, I hope that from central Government we shall take opportunities to emphasise the important contribution which local government has to make to preventing the growth of crime and minimising its effects. A wide range of their local services is, or should be, involved. Sound leadership in authorities could give the right steer to their education,

housing, social and general services, and help to foster the responsible support of their communities both to the police and, in the context of juvenile crime, to parents.

9. Finally, I believe that improvement of services for vulnerable families with young children will, in the longer term, contribute to a reduction in delinquency. I am encouraging the highly successful pre-school playgroups movement to develop their work in this field, and intend to draw local authorities' attention to a number of valuable approaches for helping vulnerable families which should be more widely applied.

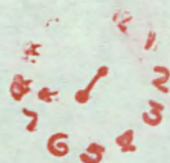
10. The above is just an outline of my contribution to these problems. I do feel, however, that the major effort in this respect, will need to come from education services in providing a more stimulating and satisfying environment for adolescents who lack academic ability or motivation and for the children of ethnic minorities.

11. I am copying this minute to the Prime Minister, the Secretaries of State for Education, the Environment, Employment, Scotland and Wales and to Sir Robert Armstrong.

23^u March 1982


NF

R 4 MAR 1982



[Faint handwritten mark]



Sub

23 March 1982

I enclose a copy of a letter the Prime Minister has received from Mr. G. Bevis of the Conference of Chief Probation Officers.

I would be grateful if you could let me have a suitable draft reply which the Prime Minister might send to Mr. Bevis. It would be helpful if this could reach us by Tuesday, 30 March.

W. F. S. RICKETT

A.P. Jackson, Esq.,
Home Office.

R

File

23 March 1982

I am writing on behalf of the Prime Minister to thank you for your letter of 22 March.

I will place this before her at once and a reply will be sent to you as soon as possible.

L. W. F. S. RICKETT

G. Bevis, Esq.

CONFERENCE OF CHIEF PROBATION OFFICERS

Please reply to:

G BEVIS, ESQ.
CHAIRMAN OF CONFERENCE OF CPOs
CHIEF PROBATION OFFICER
CHESHIRE PROBATION & AFTER CARE SERVICE
121/123 LONG LANE
UPTON
CHESTER CH2 1JF

THE RT. HON. MRS MARGARET THATCHER MP
THE PRIME MINISTER
10 DOWNING STREET
LONDON

22 MARCH 1982

Dear Mrs Thatcher

RE: LAW & ORDER DEBATE : HOUSE OF COMMONS 25 MARCH

This Association represents all 56 Chief Probation Officers in England and Wales. At our national meeting in London last week it was a unanimous view that I should write to you before the Law and Order Debate to be held in the House of Commons this Thursday.

The principal reason for writing is to express to you our support, as the managers of this Service, for the current overall strategy on law and order. This has been pursued consistently by the Government and, in particular, by Mr Whitelaw, the Home Secretary. Over almost three years he has given careful and vigorous attention to the Police, the Courts, the Prison system and the Probation Service, in an attempt to achieve a balanced and reasoned strategic response to crime. His frequent public statements reflect an important balance between the need for society to be protected and the need for proper resources to contain and prevent crime.

Chief Probation Officers value highly Mr Whitelaw's consistent interest and support for both constructive and effective measures in Criminal Justice. At a time when these policies are under attack we wish to place on record our appreciation of and support for this overall strategy.

Last week Mr Timothy Raison, the Minister of State at the Home Office, commenting on the recently published crime figures, said - "These things do not call for a hysterical panicky response, or sensational gestures. They do call for wisdom and steady determination to put things right - plus the necessary resources." Chief Probation Officers fully endorse this view as the necessary and constructive approach to counter the crime phenomenon which is being thrown up in our troubled society at present. We hope this represents the line to be pursued by the Government in the Debate on Thursday.

Factors which are pointers for the way ahead, and which could be at risk of being overlooked in a time of suddenly heightened concern, include -

Please reply to :

- 2 -

More people are being effectively supervised on probation than there are in prison.

Almost half as many again are working satisfactorily in the community under Community Service Orders.

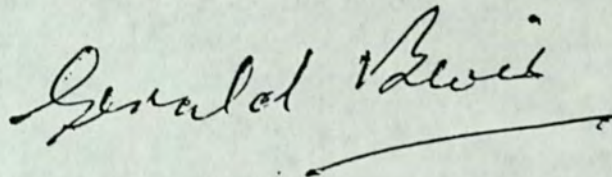
Most offenders in both these categories have records which could have led to their being sent to prison; but

Courts have found, particularly over the past two years, that these measures can be used on a considerably increasing scale without added risk to the public.

These and other measures rely on the active involvement of the public, and on a patient approach drawing on the healthy concept of the unitary nature of society which, whenever possible, must resolve within itself the problems which it generates. Retention of this idea is vital, especially at a time when so many forces - including some voices in the crime debate - tend to be divisive and set sections of society against each other.

In view of the intensity of public interest in this subject at the present time we are publicising this letter to Members of Parliament and to the media.

Yours sincerely



CHAIRMAN OF THE CONFERENCE
OF CHIEF PROBATION OFFICERS

19 March 1982

Policy Unit

PRIME MINISTER

TACKLING CRIME AND PUBLIC DISORDER: A NEW INITIATIVE

A brief note to commend to you Gordon Wasserman's paper and its thinking, and the covering minute from Robert Armstrong.

This is obviously a key area in both political and policy terms. Hence your request for something to be done. Gordon Wasserman found that no-one in the CPRS was prepared to encourage him in this work, so he came to discuss it with me a week or two ago and we have spent some time together on it. I think the approach he has come up with makes a great deal of sense, and he should ideally be the person to take the work forward. He is intelligent, fast-moving and energetic. I suggested that he should work to Robert on this, if he felt that the CPRS was not the right team - at least as at present staffed - to work from. Hence Robert Armstrong's suggestion of a small unit in the Cabinet Office. Politically, this sort of work, especially if you are identified with it, will move the electoral debate from the narrow ground of economics onto the wider ground of the "healthy society". That must be right.

Prime Minister 1

JOHN HOSKYNs

You will remember that the Home Secretary has asked Sir Keith Joseph, Mr Heseltine, Mr Tebbit, Mr Fowler, Mr Younger, and Mr Edwards for their views on the problem of law and order in its widest context. He is to hold a meeting after which he will report to you.

Mr Wasserman's report picks up one of the themes that Sir Keith Joseph mentions as important (his minute at A).

~~For~~ Sir Robert Armstrong suggests that you minute the Home Secretary and other colleagues on this proposal and invite them to discuss it - if you like ~~the~~ what ~~is~~ proposed. It could form part of the Home Secretary's general review.

I don't think a seminar would do - but I should like a small unit in the Cabinet Office. We should be ready to back up the Puller report suggested?

Do you wish to minute the Home Secretary as suggested?

is her to be published no

WM 19/3

Ref. A07852

PRIME MINISTER

Tackling Crime and Public Disorder: A New Initiative

I attach a paper by Mr. Wasserman of the CPRS setting out a proposal for a new initiative aimed at tackling crime and public disorder.

2. Briefly, it argues that a new initiative might be focused not on the police and the rest of the criminal justice system - those in the front line in the day-to-day fight against crime - but on changing the social attitudes which lie at the root of the problem. These it identifies as the failure of teachers, parents and other adults to set clear, consistent limits to the behaviour of children and adolescents. Children need such limits to provide a framework of certainty within which to grow up successfully and learn the self-control necessary to cope with boredom, frustration and even failure. *etc*

3. The paper goes on to propose a programme of action aimed at changing these attitudes, so that adults are readier and better equipped to use their authority as and when appropriate. This would involve trying in some measure to restore the confidence and authority which adults appear to have lost, and teaching them how to deal effectively with the confrontation and conflict which often accompany the use of authority.

4. In practical terms, this would mean the Government taking a much closer interest in the training of teachers and other professionals, both initially and in-service. The teachers would be critical to the success of this strategy, both because of their classroom role and because of their ability to influence parents. But it would be essential not to overlook the influence of other adults who come into direct and regular contact with children and young people; particularly those responsible for dealing with "children in trouble". The voluntary sector and the churches too would have important parts to play; as, of course, would the media.

5. I think that this is an attractive idea. It is based on what I believe is a sound proposition - that children need, respond to, and now too often lack clear limits as a framework for growing up. It would complement, not compete or



← | clash with, what the police and the other law and order services try to do, and they should welcome it. But it is a strategy on a grand scale and for the long term: it would be unlikely to have much "payoff" in the short term. That is no reason for not starting, if the idea is a good one: it is a reason for taking care in deciding how best to introduce and pursue it.

6. If the main initial thrust is to be directed via teachers, and above all through teacher training, it would be desirable before going public to work out in more detail what changes would need to be made in teacher training, and what would be involved in putting those changes into effect.

7. Once the time had come to go public, one way of launching a new initiative of this kind might be by means of a seminar or conference to which leading figures in the teaching, social work and other professions would be invited, as well as representatives of the ethnic communities, the voluntary sector, and the churches. The object of the seminar would be for the Government and others concerned to review the latest evidence on how best to deal with adolescent anti-social behaviour. It would, of course, require careful handling, but it should be possible to mount a seminar which would set the scene for a programme of action aimed at achieving the sorts of long-term changes in attitudes which are required. The seminar would also give the Government an opportunity to demonstrate clearly the sense of priority which it attaches to this matter. As you will see from his paper, Mr. Wasserman has already identified a number of individuals who might be invited to participate in such a seminar.

eg Professor
Rutter and
Dr Perry-Jones.

8. A decision to mount an initiative along these lines would invite strong reactions from many teachers and members of the so-called "caring or helping professions" who would resent any implied criticism of their present approach and, more vigorously, from those who see political advantage in arguing that crime and disorder are inherent in a capitalist society, particularly one experiencing high levels of unemployment or containing a substantial racial minority community. But it might appeal strongly to the good sense of a great many ordinary people.

9. Such a programme would involve the interests of a number of Government Departments and outside agencies. Even more to the point, its very ambitiousness would call for political leadership at the highest level. Only you

CONFIDENTIAL



could provide the leadership required to bring about the kind of change in the general climate of opinion which this strategy would demand and to overcome the resistance of the professional interest groups and others. It would need to be identified with you, and you would have at least to open and perhaps to preside over the seminar which launched it.

10. To support you in carrying out this task, a small unit could be established in the Cabinet Office. It could co-ordinate the preparatory work and, in consultation with the Departments concerned, organise the initial seminar and develop a credible programme of action for following it up.

11. I dare say you will want to discuss this general approach. If you like it, you will wish to minute the Home Secretary and other colleagues directly concerned, telling them what you have in mind and inviting them to discuss it. We can provide a draft minute for the purpose, in the light of your reactions to Mr. Wasserman's proposal.

ROBERT ARMSTRONG

19th March, 1982

CONFIDENTIAL

TACKLING CRIME AND PUBLIC DISORDER: A NEW INITIATIVE

1. The apparently inexorable rise in recorded crime and public disorder threatens the social stability which has long characterised life in this country. It leads to widespread fear and insecurity. It engenders a loss of respect for, and confidence in, the police and the other arms of the criminal justice system. Ultimately, it undermines the authority of our democratic institutions. Because there is now also a distinct racial dimension to the growth of crime and disorder, its potential effects are even more dangerous.

2. This Government has placed the maintenance of law and order at the top of its list of domestic priorities. But so far this has meant principally strengthening those who are in the front line in the battle against crime; namely, the police service. In this, the Government is generally acknowledged to have been successful.

3. The time is now ripe for a new initiative. But the target must be chosen with great care. Nothing should be done which could be interpreted as stemming from doubts about the competence of the police or as implying that they no longer enjoy the full confidence of the Government as a whole.

4. From the point of view of the police and others on the front line, the most important target for Government action is the "underlying causes" of crime or what is sometimes referred to as "the general breakdown of law and order" or "the deterioration of society's moral values". I believe that this is also the view of the vast majority of the public.

5. The sorts of thing which most people would point to as evidence of the breakdown of law and order are violence in schools and on the streets, football hooliganism, vandalism and minor crimes on council estates, etc. These are the commonest forms of anti-social behaviour. They are overwhelmingly the activities of adolescents (age 10 to 18) and appear to recognise neither class nor racial barriers. Children and young people of all races and classes engage in them; adults, children and young people of all races and classes are their victims. Because they are so common, they are

the object of much media attention, both locally and nationally. For this reason and because it is generally recognised that the police on their own can do very little about them, they contribute disproportionately to undermining the general level of confidence in the police and the rest of the criminal justice system.

6. On these grounds alone, they merit serious Government attention. They merit attention also because of their effects on those who engage in them. While most adolescents simply grow out of such anti-social behaviour, it is well established that (as one would expect) very few adult criminals do not have a record of having offended as juveniles.

Dealing with Anti-Social Behaviour

7. Such behaviour has been of concern for some time. It is only in the last few years, however, that significant progress appears to have been made in understanding and controlling it. One of those who has had remarkable success in dealing with it is Dr W Parry-Jones, Director of the Highfield Family and Adolescent Unit at Oxford.

8. His approach is based on the belief that, in order to mature successfully, children and adolescents need to have clear, consistent limits set to their behaviour. Without such limits, control or discipline, adolescents are unable to develop the "self-control" skills which enable them to deal effectively with boredom, frustration and even failure. Thus he would argue that the main causes of adolescent anti-social behaviour or public disorder lie not in unemployment, deprivation or racial disadvantage - he finds similar problems and difficulties among the pupils of the best public schools as among those who attend the most deprived Oxford comprehensives - but in the failure of adults (especially teachers and parents) to set clear and consistent limits for the children with whom they come into contact; that is, the failure by adults to use their authority as appropriate (to both the situation and the age of the child). For Dr Parry-Jones, this abdication by adults of their responsibilities, usually in order to avoid unpleasantness, conflict or confrontation, stems from a lack of confidence or morale which in turn may be traced back to, among other things, the "laissez faire" approach to child rearing advocated with such success by the so-called "parenting experts" of the 1950s and 1960s. Having lost their confidence, most adults are unable (and unwilling) to deal with the conflict which often accompanies the use of authority.

9. While he does not advocate the return to so-called "old fashioned" authoritarian discipline (which was often arbitrary and inappropriate both to the age of the adolescent and to the circumstances in which it was applied), Dr Parry-Jones maintains that children perceive the lack of control or authority by most present-day adults as offensive. They therefore react against it. Hence, for example, the difficulties in schools. (Dr Parry-Jones has had spectacular success in treating anorexia nervosa and school refusal in "patients" from middle class Oxford homes. The basis of his treatment is to make it clear to the patient that "he means business" and that he is prepared (and has the permission of the parents) to force feed anorexics and to carry school refusers into school feet first. He believes that neither of these is a step which a parent would feel strong enough to take and that the children are well aware of it. As soon as they understand that there are clear limits to what they can get away with, they feel relieved and are on the road to recovery.)

Further Evidence

10. Dr Parry-Jones is not the only one who has been having success with this approach to adolescent public disorder. An article in a recent issue of The Guardian, for example, reported a teacher in a successful ILEA-sponsored disruptive pupils unit as explaining her success in similar terms. "I don't get over friendly with [the children]", she said, "I'm their boss, not their pal."

11. Recent experience of tackling vandalism on council estates lends further support to the view that adolescent anti-social behaviour can be effectively controlled by adults who are prepared to use their authority clearly and consistently. The NACRO Crime Prevention Unit, for example, which has undertaken a number of successful anti-vandalism projects on estates in London and elsewhere, believes that a large part of its success may be accounted for by the fact that it has managed to build up the confidence and morale of the residents of these estates to the point where they are prepared to take an active role in protecting their own immediate environment. (It is

hardly suprising that children vandalise their own estate when they hear their parents describing it and its management in terms which indicate that they have no respect for either and are impatient to be transferred elsewhere.)
According to NACRO,

"The theory underlying our work is that an act such as vandalism cannot be prevented simply by more policing by the statutory agencies - the community itself must take an active part in seeing that standards are maintained. Willingness to participate in "self-policing" depends in turn on the belief that the environment is worth protecting. It is caring for, and involvement in, the maintenance of the environment which seems to have been eroded on many publicly-owned housing estates. The primary purpose of the Crime Prevention Unit's project is to involve residents on demoralised estates with planning improvement of the environment in such a way that they will feel inclined to maintain and protect them."

12. For this reason, anything which contributes to raising the moral of residents helps to control vandalism and minor crime. Tenant management and the sale of council houses, for example, are thus clearly steps in the right direction.

The Rutter Report

13. Probably the most important endorsement of this approach to adolescent anti-social behaviour comes from the research commissioned by the Home Office and the DHSS from Professor Michael Rutter of the Institute of Psychiatry of London University. The aim of his study, which is to be published in the autumn, was to examine all the available research on juvenile delinquency and to provide an objective assessment of the nature of the problem in the social context in which it occurs, together with pointers as to what methods are most effective in controlling it. (A note by the DHSS summarising Professor Rutter's report is attached.) Among the principal conclusions of the Rutter study are the following -

- i. Delinquent activity is a normal part of adolescent development; it is critical to establishing an adult identity.
- ii. Delinquency is not associated with immigration, unemployment or working mothers. It is associated with parental criminality, family disorder, single parenting, large family size, ineffective supervision and discipline, and punitive or inconsistent responses to lenient behaviour. When one negative factor is present, there is little risk of delinquency but the risk increases exponentially when further negative factors are added.
- iii. Delinquency occurs in all social classes.
- iv. The most effective social work intervention is the support of parents and teachers in exercising control and the development of the youngsters' coping skills.
- v. A high police presence is not an effective deterrent; what does help is for the police to form personal relationships with youngsters.
- vi. Prosecution tends to cause a youngster to reoffend, probably because after an appearance in court the youngster labels himself as a criminal and behaves criminally.

Implications for Policy

14. It seems clear, therefore, that we are beginning to understand the causes of adolescent public disorder and how to tackle it. It seems clear also, however, that tackling it successfully would require nothing less than changing the way in which most adults think about their own roles and their relationships to children. In addition, it would also mean teaching adults new skills; namely, those involved in using authority and handling conflict effectively. (Dr Parry-Jones refers to it as "undoing the effects of Dr Spock".)

15. The first group of adults whose attitudes, morale and skills must be changed are the teachers, not only because of their class-room role but also because, given compulsory education, the schools are the most cost-effective way of influencing parents.

16. But the way in which teacher training is organised makes this very difficult. In England alone, about 14,000 teachers are turned out each year from 100 different institutions. What is taught on these teacher training courses is determined by the institutions themselves in collaboration with their validating bodies; namely, the 18 universities and the Council for National Academic Awards. Although it is the Secretary of State for Education who approves teacher training courses and recognises someone as a qualified teacher, the DES has tended to leave the content of teacher training courses to the validating bodies. For the Department to insist that before being recognised as qualified a student-teacher must have completed a course on "the management of the class-room" would represent a major change in the relationship between the DES and the teacher training establishments and between the Department and the teaching profession as a whole.

17. I understand, however, that the Secretary of State for Education and Science has already decided to alter those relationships and to take a more active role in teacher training in an effort to raise professional standards in particular subjects. In so far as he succeeds in doing so, the ground will have been prepared for training teachers also in how to use their authority effectively.

18. To ensure that the new approach extends throughout the school system, arrangements would have to be made for in-service training for those who are already in the teaching force and for special training for those who go on to become Heads and Chief Education Officers. At present, no formal training is necessary for appointment to these jobs. This is in marked contrast to the police service, for example, where no-one can advance to the senior ranks without having completed the appropriate officer training at the Police Staff College.

19. Having built up the confidence and classroom management skills of teachers, it is likely that one would have increased simultaneously the respect with which they are regarded by parents and therefore the likelihood that parents would be willing to take their advice about how to deal with their children. The stage would then be set for an effective partnership between

the two adult groups. It is worth noting that teachers and parents already work together successfully in this way in respect of handicapped children. I understand that parents of spina bifida children, for example, find the support of teachers critical in helping them to deal as firmly as is necessary with their children.

20. Another group of adults whose approach to adolescents should receive attention at an early stage are those involved in dealing with "children in trouble", including non-offenders. These include the educational welfare officers, the nurses, the social workers, other voluntary workers and the churches. Special efforts would also have to be made to reach the media and other "opinion formers".

21. Just as experience in tackling vandalism on council estates has led to changes in the way in which estates are managed as well as in their physical characteristics (eg entry 'phones, better lighting), so changing the way teachers and social workers approach their responsibilities and the children in their care might in time lead to changes in the way the education, child care and other services are organised. Indeed, the Government itself might introduce (or encourage local authorities to introduce) changes in these services as a way of facilitating changes in attitudes and culture. For example, it maybe helpful in this context to give the court-based probation service a bigger role in the treatment of young offenders (at the expense of social workers).

Race

22. None of the proposals set out in this paper is directed specifically at the racial dimension of law and order. But I am inclined to think that the approach described above might also be applied with advantage to this problem. By building up the confidence and morale of the adult members of the ethnic minority communities, who are as concerned as the rest of society at the present state of crime, it should be possible to encourage them to take a more active role in using their authority to control their own children and young people.

CONFIDENTIAL

23. The strategy outlined above is aimed at achieving fundamental changes in some of the most deeply held beliefs and attitudes of our society. As such, it is bound to take time to bear fruit. In the meantime, it is likely to encounter resistance, particularly from those with a vested interest in the present arrangements.

24. But I believe that a programme of action based on this strategy would command widespread support from all those who are genuinely concerned about the extent of crime and public disorder in Britain today and that, by tackling the underlying causes of this behaviour, would offer real hope of controlling it.

G. J. Wasserman

G J WASSERMAN
Central Policy Review Staff

18 March 1982

CONFIDENTIAL

"JUVENILE DELINQUENCY - TRENDS AND PERSPECTIVES"
PROFESSOR MICHAEL RUTTER'S SURVEY OF
JUVENILE DELINQUENCY RESEARCH

(Note by DHSS)

1. Professor Michael Rutter of the London University Institute of Psychiatry was commissioned jointly by Home Office and DHSS (with Home Office in the lead) to review and assess available research on juvenile delinquency. His review was completed in May 1981 and is to be published in autumn 1982.

2. The review was commissioned as an aid to policy making. The purpose was, through a scrutiny of all available research on the subject, to provide an objective assessment of the nature of juvenile delinquency and the social context in which it occurs, together with pointers as to what methods are most effective in controlling it. This is notoriously an area where prejudice and subjectivity abound. Professor Rutter's achievement has exceeded expectations, and the book is likely to be viewed as a landmark in juvenile delinquency literature.

3. His significant conclusions may be summarised as follows:

The Nature of Offending

3.1 Delinquent activity is a normal part of adolescent development; it is intrinsic to establishing an adult identity. Most youngsters commit some criminal acts. However the great majority grow out of delinquency successfully without ever being brought to court

3.2 Only a tiny proportion of criminal acts by juveniles result in prosecution and the lack of scope under present arrangements for filtering out offenders makes prosecution for trivial offences arbitrary; the poor and the black are more likely to be prosecuted. Youngsters prosecuted for trivial offences have more in common with those who are never prosecuted than they do with serious offenders; in particular they will grow out of it.

3.3 There is a hard core of offenders (recidivists) who, instead of growing out of it, commit more and more frequent and serious offences. They can be clearly identified after the event, but prediction techniques are only 50% accurate. They become adult criminals. Very few adult criminals did not offend as juveniles; the vast bulk of juvenile offenders never offend as adults.

Patterns of Offending

3.4 Statistics reveal a dramatic rise in juvenile crime since 1945, but most of this apparent increase is due to more offences being reported and more youngsters being cautioned or prosecuted for trivial offences (and such technical factors as the effect of inflation in drawing into the statistics offences against property of less and less value). Nevertheless there has been a real increase in juvenile crime, particularly in stealing and crimes of violence, though in the main this is due more to recidivists committing more and worse offences than to more youngsters committing crimes. This pattern is apparent in every non-third-world country except Japan.

3.5 Most of this increase happened during the 1950s and 1960s. During the 1970s there was a levelling off or perhaps even a decline.

3.6 The increase was paralleled by an increase in juvenile suicide, anorexia, alcoholism and drug dependence, suggesting it was part of a generally worsening juvenile malaise.

Associations and Causes

3.7 Juvenile delinquency is associated with the male sex. Girls are more lawabiding even than the statistics suggest because when they offend they are more likely to be prosecuted. This sex differential is dropping, and is lower than average among West Indian but very high among Asians and Cypriots.

3.8 Delinquency is not associated with immigration, unemployment or working mothers. It is associated with parental criminality, family discord, single parenting, large family size, ineffective supervision and discipline, and punitive or inconsistent responses to deviant behaviour. Poor housing and low income feature as relative rather than as absolute factors. When one negative factor is present, there is little risk of delinquency but the risk increases exponentially when further negative factors are added.

3.9 Delinquency occurs in all social classes but is commoner in the lower. The association is with the problems that accompany low social class rather than with low social class *per se*. In all social groups some delinquent acts are considered "normal", but this "normality" does not extend to recidivism.

3.10 Recidivists tend to be unpopular and rejected by their peer group. Recidivism is associated anti-social personality disorders eg cognitive and educational retardation, hyperactivity and attentional defects, and stimulus seeking. Low self-image is a crucial factor.

3.11 Films and television may aggravate aggressive behaviour in children who are aggressive anyway, but this is not a major factor. Football hooliganism is ritual role play and not associated with delinquency.

3.12 Delinquency rates are highest in big cities but vary between comparable areas within cities. Community ethos and school ethos are significant factors.

Prevention and Intervention

3.13 Most offenders grow out of their delinquency. Delinquent patterns may be broken by changing or leaving school, moving or leaving home, marriage and employment, though early "escape" marriages are no help; delinquents find it harder to obtain and retain employment.

3.14 The most effective social work intervention is the support of parents and teachers in exercising control, and the development of the youngster's coping skills. Work to reduce familial disharmony can be effective if it is sustained.

3.15 Reducing the scope for crime, eg by improving the security of buildings, does reduce crime.

3.16 A high police presence is not an effective deterrent; what does help is for the police to form personal relationships with youngsters.

Prosecution and Sentencing

3.17 Labelling a youngster as "criminal" is a significant factor. Prosecution tends to cause a youngster to reoffend, probably because after an appearance in court a youngster labels himself as a criminal and behaves criminally. Diversionary policies are thus likely to be more effective than prosecution for trivial offenders, though there is a risk that this will draw more youngsters into the formal network.

3.18 The sentence that a convicted youngster receives has very little effect on his subsequent reoffending pattern; other factors are much more significant.

3.19 Disposals that involve removal from home are likely to be ineffective unless work is done to prepare the home the youngster's return and to help him to reintegrate himself into his community.

3.20 Deterrent sentences are effective only if their impact is immediate - a long delay before sentencing and long-drawn-out sentences are likely to be counter-effective.

4. Professor Rutter implies the following recommendations for policy:

a. There should be increased scope for filtering trivial offenders so that they do not appear in court, and official reaction to trivial offending should be minimised.

b. Where prosecution is inevitable, the emphasis should be on community-based disposals, with the involvement of parents and teachers wherever possible.

c. Where removal from home is inevitable, there should be greater emphasis on preparing the home environment for his return and on supporting him during reintegration.

5. He recommends that surveys, including self-report studies and data from victims, be undertaken at five year intervals to assess historic changes in trends, and that more research is done on such matters as personality variables in recidivists, environmental influence and the long-term effects of all forms of intervention including intermediate treatment.

c. Mr. Whitmore
Mr. Gow
Mr. Pattison

PRIME MINISTER

*Home
Affairs*

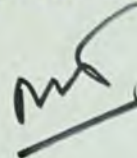
LAW AND ORDER DEBATE - THURSDAY 25 MARCH

It is the law and order debate on Thursday next and the Home Secretary will be opening. Both Ian and Mike think you should sit in for his speech. You said you wished to attend the service at Westminster Abbey in memory of those killed in service since 1945. As this commences at 1600 hours, I think we should send your regrets and explain why.

Agree?

CAROLINE STEPHENS

19 March 1982



 WR
 12/3

HOME SECRETARY

CRIME

1. Thank you for your minute of 1 March. I would be very glad to join in a discussion on the issues you have raised.
2. I too believe that the education service ought to be, and can be, an important agency for the reduction of crime. A good school, or a good youth club, can do much to combat the many influences unfavourable to law and order and to reinforce the favourable influences. My policies, which aim to improve the quality and effectiveness of the education service, bear closely on your objectives in relation to crime. But I recognise that what I am trying to do to ensure a reasonable basic standard of literacy and numeracy, and to interest and motivate children and young people, is constrained, among other things, by some aspects of the teaching force, by the varying effectiveness of local education authorities (Liverpool has been paralysed for years by the absence of a working majority for any party on the Council) and by resources; and that, partly owing to the financial mechanism for maintained education, - eg the ability of Local Authorities when they so decide to raid education - resource constraint tends to take a disproportionate toll of certain aspects of the service which are particularly important for crime prevention eg remedial education, the in-service training of teachers to equip them for coping better with non-academic pupils, and the youth service.
3. I am much concerned also with discipline, truancy and the authority of the teacher in certain schools. We have to contend both with such general difficulties as adverse social factors and the wrong kind of family background and with special complications like the recent decision of the European Court of Justice on school corporal punishment and incidents of strikes and picketing by teachers. My Department is working on proposals for making the Education Welfare Service more effective in reducing truancy and improving relations between the school and the pupils' family (I will be looking to the Secretary of State for Social Services to support me in this); and to clarify and strengthen the role of school governors, head teachers, and local education authorities in relation to school discipline.
4. I believe that the urban programme could be used to a greater extent to support local projects in education and youth work which will help the schools and the youth service to pay more attention to those children and young people who are most liable to fall into crime. For example, the urban programme might enable schools to do still more to offer facilities and lend support to the local community; a number of projects, including one to strengthen an existing experiment with parent support groups in Liverpool, are currently being considered within the Liverpool Inner City Partnership arrangements, in consultation with the Merseyside Task Force. Section 11 grants, too, can help the youth service keep young people out of trouble in an explosive local situation.
5. I agree that good co-operation between the police and the education service is essential. Formalised liaison arrangements at national and local level are needed, but they are insufficient by themselves. There has to be real personal contact not only between the chief education officer and the chief constable, but between the head teacher or youth leader and the various police officers who will actually be involved when difficulties arise (and who may not

SECRET

be the "home beat" officer), to the point where there is genuine trust and understanding of each other's problems. This is unfortunately not always a straightforward business. There is, alas, evidence that some schools and youth leaders now feel - rightly or wrongly - that they cannot trust all police officers to be fair to their charges; and that they see the need in any case - again, rightly or wrongly - to distance themselves a little from the police so as to retain their authority over pupils and young people, who, they claim, are in the main hostile to the police. I can't vouch for the reality but only for the impression I'm given, which it may not be easy to dispel. Until this kind of attitude is overcome, it will be much more difficult to get a school to co-operate with the police, or to ensure that in practice the LEA and the police keep in touch over those schools where trouble might arise - in certain areas, it might break out suddenly in any one of dozens of schools, and not necessarily where it might seem most likely. What to do with the disruptive pupil who has no home to go to is a puzzle, since the school itself may not be able to contain such a pupil.

6. I believe that my Department and I could help to encourage good relations between the education service and the police in a number of ways:-

- (1) we could put into a higher gear our periodic discussions on these matters with the local authority and head teacher associations.
- (2) We could try to bring about a better dialogue between these associations and the police.
- (3) HMI might prepare an assessment of how school-police co-operation was working, and write up good practice for discussion with the education service and the police and for appropriate dissemination.

7. You may also feel, as I do, that the interdepartmental arrangements on the whole range of issues covered by your minute might be reviewed, to ensure in particular that there is the closest liaison with your Department.

8. I am copying this minute to the Prime Minister, the Secretaries of State for the Environment, Health and Social Services, Employment, Scotland and Wales and to Sir Robert Armstrong.

KJ

Department of Education
and Science

11 March 1982

21 MAR 1982



12 MAR 1982



CONFIDENTIAL

Mr. [unclear] 11/3
to see.
[unclear]
11/3

W. had called
leave this meeting
to talk [unclear].
Home Affairs

PRIME MINISTER

LAW AND ORDER

You told me this morning that you wanted me to set up for you a meeting with the Home Secretary and the other Ministers directly concerned to discuss the problem of law and order in its broadest context.

May I remind you of the attached minute from the Home Secretary to the Secretary of State for Education and Science seeking colleagues' views on this problem and inviting them to a meeting. If we are to set up a meeting here, this will, of course, pre-empt what the Home Secretary has already set in train and I think that before we make any move in this direction, it will be politic for you to have a word with him. Would you like to raise the matter with him at the end of your meeting at 0930 tomorrow, Thursday, on the legislative programme?

Jah.

10 March 1982

CONFIDENTIAL



Home Affairs
Prime Minister 2
This follows up the points you have
made to Sir Brian Cullum and the
Home Secretary.

W/2
2/3

Secretary of State for Education and Science

CRIME

The upward trend in recorded crime, and particularly violent crime, is causing concern. One of the disturbing features is the involvement of children and young people. A high proportion of those arrested during last summer's riots were aged between 10 and 20; mugging is increasingly common in London; and in the last few days events at St Saviour's School, Toxteth, have provided a frightening example of violence and intimidation by young children.

2. The police are in the front line here. Thanks to our success in improving pay and morale, the police are now at record strength; numbers are still increasing in London; and more men are being put back on the beat. With my active encouragement Chief Officers are concentrating on improving police effectiveness and on crime prevention, which is the key to the problem since if crime can be prevented, we avoid the suffering of the victims and reduce the burden on our hard-pressed courts and prisons.

3. The Inspectorate of Constabulary will oversee these operational developments. The Home Office also has further projects concerned with police deployment, technological development and crime prevention. I shall change the rules for disqualification for jury service as soon as I can get a legislative opening. I am encouraging, by additional resources, the part which the probation service can play.

4. But the problem of crime goes well beyond the direct concerns of the Home Office. It concerns the community as a whole, and ultimately what we need are fundamental social and moral changes, which are for the longer term.

5. There is however a large potential area of helpful action in the local services apart from the police. There is room for local initiatives to reduce the opportunities for crime, to divert potential offenders and to encourage a sensible climate of opinion and local leadership on these matters.

6. I have just been discussing the matter with a group of senior Chief Constables. There was general agreement that they could be helped more by a number of local agencies and services.

7. For example, although police liaison with some schools is extremely good, I am told that there are others where the police are not welcome and their advice is ignored. If the police had

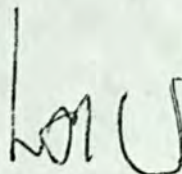
been warned at a much earlier stage of the impending trouble at St Saviour's, Toxteth, they might have been able to help. I was told of other cases in which troublemakers have been sent home from school regardless of the fact that they cannot go home because mother is at work and, therefore, they become a potential problem for the police on the streets. I wonder whether Her Majesty's Inspectorate of Schools could make a particular point of encouraging more liaison between schools and the local police. And is there anything more that the Youth and Social Services, or indeed any other Agency, can do to help children at risk?

8. This problem is not confined to children of school age. Much depends on the co-operation generally of local authorities and others, in all fields. I doubt if the police are consulted as often as they should be on the location and design of council housing to reduce the risks of vandalism; or on better street lighting to reduce the risk of mugging. I recognise the efforts which have been made to promote 'dual use' of facilities in schools and colleges, but are recreational facilities geared to diverting people from crime?

9. I know that much has been achieved in the last few years through the consultative arrangements which followed the joint circular on juvenile delinquency issued by our Departments, the DHSS and the Welsh Office on 19 December 1978. I know that our Departments are already in regular touch on juveniles, under the lead of the Department of Health and Social Services. But what I am looking for is specific action, from the point of view of crime prevention.

10. I should like to ask you and the Secretaries of State for the Environment and for Health and Social Services to consider these thoughts on a broad basis, in the context of the work of your Departments and of the local services with which you are concerned. Could you let me know how you and they could help to facilitate the work of the police; to prevent crime by taking action themselves; and, more generally, to improve the local climate and local leadership on these matters. When I have your replies, I should like to invite you to a meeting to discuss the matter further.

11. I am copying this minute to the Prime Minister, the Secretaries of State for the Environment, Health and Social Services, Employment, Scotland and Wales and to Sir Robert Armstrong.



1 March 1982

- 2 MAR 1982

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Home Affairs

10 DOWNING STREET

THE PRIME MINISTER

12 May 1980

Dear Mr. Price

Thank you for your letter of 21 April about the National Front march in Lewisham on Sunday 20 April.

May I first say how much I welcome your sending a letter of appreciation to Sir David McNee in recognition of the excellent way his officers carried out their duty in policing the event and containing trouble where it arose. The Home Secretary also wrote to Sir David and I believe there is general praise of the job the police performed that day.

You raise the general question of the cost of policing demonstrations of this sort and call for a Government initiative on the issue. You will know from the Answer given by Willie Whitelaw to your Question on 24 April that the Commissioner has estimated the total cost of policing the march in Lewisham at some £300,000. The mounting cost of policing demonstrations is one of the reasons why the Government is currently undertaking a review of the Public Order Act 1936 and related legislation.

The Home Secretary and the Secretary of State for Scotland jointly published on 24 April a Green Paper which is intended to stimulate a full and informed debate on the difficult issues involved in the review. One of the issues discussed in the Green Paper is on what basis it should be possible to ban processions.

As you know, at present a march can only be banned if the Commissioner - or the chief officer of police outside London - is satisfied that he cannot otherwise prevent serious public

/ disorder.

27R

order. The Green Paper discusses possible alternative criteria, although it makes it clear that these are not without difficulty. I am sure that you will wish to examine the Green Paper and the possibilities and options it sets out carefully and I need hardly say that the Home Secretary will be glad to receive any comments you may have on it.

You also mention the threat by Lewisham Borough Council to withhold payment of the Metropolitan Police precept.

The Home Secretary is answerable in Parliament for the exercise of his responsibilities as police authority for the Metropolitan Police District. This channel of accountability reflects the special position of the Metropolis as the seat of Government and capital city. At local level there are well established arrangements for consultation between borough councils and district police commanders about local policing matters. As far as financial matters are concerned, each year the Receiver holds a consultative meeting at which he discusses his financial plans with the local authorities' representatives before the precept is set. Lewisham seem to be overlooking these important respects in which local opinion is taken into account in the affairs of the Metropolitan Police. And it is the more regrettable because, if the Council were to carry out its threat, it would go against a clear legal requirement to meet the precept. It was for all these reasons that I deplored the Council's action in the House on 17 April, and I stand by what I said then.

(sgd) M T

Christopher Price, Esq., M.P.



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Home Affairs - PRIME MINISTER
Now published
MJS

PRIME MINISTER

24/4

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REVIEW OF PUBLIC ORDER LEGISLATION

On behalf of the Secretary of State for Scotland and myself, I enclose a copy of our Green Paper on the Review of the Public Order Act 1936 and Related Legislation, which is to be published at 3.30 p.m. on Thursday, 24 April.

Publication will be announced to the House by way of an arranged Written Answer.

We shall, of course, be reporting to you and colleagues in due course the tenor of the responses we get to the Green Paper: we should nevertheless welcome any views colleagues may meanwhile wish to let us have on the issues discussed in the document.

Copies of this minute and enclosures go to members of H Committee, the Attorney General, the Lord Advocate and Sir Robert Armstrong.

hml

22 April 1980

24 APR 1964





Home
Affairs

PRIME MINISTER

OK
ms

There is apparently a printing problem in connection with this paper, and No.10 would therefore be most grateful to have your comments by Monday.

TP2 informed Home
Office by telephone

only

D

Duty Clerk

11/4

11 April, 1980.

PRIME MINISTER

GREEN PAPER ON PUBLIC ORDER

When you saw the Home Secretary's minute (Flag A) you asked the Home Secretary to reconsider the scope of the document itself, since you were worried that it might prove highly controversial.

The Home Secretary has indeed looked at the balance of the document again, and the result is the letter at Flag B, which says that the Home Secretary's view remains that the Green Paper is worth publishing in essentially its present form.

After you had seen the document last time we also received some comments from Sir Robert Armstrong (Flag C). He makes the point that the draft gives an emphasis on "the freedom to demonstrate" which might not be welcome by every Conservative Party supporter. This point has already been taken up by the Home Office in the light of comments from the Chief Secretary.

In the light of all of these views, are you content to let the Home Secretary do as he wishes and publish the document in its present form?

9 April 1980

T.L. informed 11/4
Yes ans.

MS



HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

8 April 1980

Dear Nick

A GREEN PAPER ON PUBLIC ORDER

Thank you for your letter of 31 March which I have, of course, shown to the Home Secretary.

The Home Secretary readily accepts that the draft Green Paper covers some highly contentious matters, and has re-considered, in the light of the Prime Minister's comments, whether it is necessary for them all to be dealt with. He takes the view that, since the Green Paper is not a statement of Government policy, it should face these issues squarely and let the Conservative Party, Parliament and the public see the considerable difficulties in this area as they really are. If the Prime Minister disagrees, the Home Secretary will, of course, be prepared to modify the draft Green Paper, but his judgment, after reconsidering the matter, is that it should (subject to what is said below) be published as it stands.

The Home Secretary has asked me to take the opportunity of this letter to thank his colleagues for their comments on the draft Green Paper, and in particular to say that he agrees with the views expressed in the Chief Secretary's letter of 31 March that too high a price should not be paid for the freedom to demonstrate, and that this point should be brought out still further in the Green Paper. Officials here have been asked, in consultation with Treasury officials, to make some amendments to the draft accordingly.

I am sending copies of this letter to the Private Secretaries to the recipients of the Home Secretary's minute of 26 March.

Yours sincerely
Tony Butler.

A. J. BUTLER

N. J. Sanders, Esq.

19 APR 1950

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Home Affairs



Ref. A01843

PRIME MINISTER

Review of the Law on Public Order

The Home Secretary's minute of 26th March seeks comments on a draft Green Paper that he and the Secretary of State for Scotland wish to publish as part of their review of the Law on Public Order. The review was started following the Southall disturbances last year and, as the Home Secretary's minute explains, is being conducted in stages. The first was circulation of a discussion document to the police, the local authority associations and others directly concerned, while the second will be the publication of a Green Paper seeking views more widely. Only in the light of comments received on the Green Paper and in the light of the report of the departmental select committee on Home Affairs, which is looking at the subject and may provide some further indication of likely Parliamentary reaction to changes in the law, will the Home Secretary and the Secretary of State for Scotland bring specific proposals to their colleagues.

2. Over part of the field at least legislation for Scotland is likely to precede that for England and Wales since a Civic Government (Scotland) Bill is likely to find a place in next Session's legislative programme. This Bill will include provisions replacing those in existing local legislation for the control of processions.

3. The Green Paper is deliberately written in an "on-the-one-hand, on-the-other-hand" style which brings out the questions rather than suggesting the answers, and where answers are suggested does not commit the Government firmly to them. Nevertheless, the general message that comes across is that the Government do not favour dramatic changes in the law, neither those that would grant a statutory freedom to demonstrate or those that would take new powers to control indoor meetings or change the present law about election meetings.

4. The greater part of the Green Paper is concerned with processions and demonstrations. It suggests that there might be some strengthening of the law by requiring organisers of processions, subject to some exceptions, to give the



police advance notice of their plans, giving the police a more clearly defined power to redirect a march, and possibly granting some powers to control outdoor meetings and demonstrations which are not covered by the present law applying to processions.

5. This is a very difficult and contentious subject - as the draft Green Paper makes clear - but if, at the end of the day, the Government brought forward proposals for these relatively modest, though not uncontroversial, changes, they might reasonably claim to have achieved a proper balance of the conflicting arguments. You may prefer not to take any view on the policy issues at this stage and you may agree that the cautious approach of the Green Paper is the right one. It might, nevertheless, be worth finding ways at the time of publication of the Green Paper to indicate to the Press and to the Conservative Party the way the Government's mind is moving. Otherwise there is a risk that the reasoned arguments for and against new statutory powers may get obscured by the protests of the "freedom to demonstrate" supporters, and by the criticisms of those who want tough measures against processions and demonstrations.

6. Finally, you may think that the first paragraph of the proposed foreword to the Green Paper gives an emphasis to the "freedom to demonstrate" rather than to the framework of law, which may not be welcome to Government supporters, and that if the Secretaries of State are to put their names to a foreword to the Green Paper some change of emphasis is desirable. I attach a draft minute which you may wish to send to the Home Secretary.

(Robert Armstrong)

31st March, 1980



DRAFT MINUTE FROM THE PRIME MINISTER

HOME SECRETARY

Review of the Law on Public Order

I am content for the draft Green Paper about the law on public order to be published, subject to any comments you receive from the members of H Committee.

2. I suggest, however, that you should consider carefully the foreword which has been drafted for you and the Secretary of State for Scotland. The first paragraph seems to give greater emphasis to the "freedom to demonstrate", rather than to the framework of law necessary for the protection of society as a whole. In its present terms, it may not be welcome to Government supporters.

3. That leads me to a second point: the Green Paper is, for the most part, non-committal, presenting the arguments for and against the various changes which have been canvassed. It might, nevertheless, be worth indicating at the time of publication that the Government's mind is moving towards relatively modest changes to strengthen the framework of law governing the right to meet and to demonstrate.

4. I am copying this minute to members of H Committee, the Attorney General and the Lord Advocate, and to Sir Robert Armstrong.

31 MAR 1960

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FILE

RH

CONFIDENTIAL

B/F 8.4.80

H Committee:- Ld Chancellor
 Ld President
 Employment
 Environ.
 SO Social S
 WO CDL
 NI Educ.
 Chief Sec
 Chief Whi
 Trans

31 March 1980

Green Paper on Public Order

As I told you on the telephone, the Prime Minister was grateful to see the Home Secretary's minute of 26 March and the attached draft Green Paper. She has commented that the draft is "highly contentious" and that she fears that some of the suggestions in it will give rise to trouble and misrepresentation. She has asked whether the Home Secretary considers it necessary to include all the subjects in the existing draft, and has drawn attention, as an example of the most sensitive areas, to the section on election meetings.

I should be glad to know what view the Home Secretary takes of these comments.

I am copying this letter to the Private Secretaries of H Committee, Bill Beckett (Law Officers' Department), Miss M Howat (Lord Advocate's Department) and David Wright (Cabinet Office).

N J Sanders

J A Chilcot Esq
 Home Office

CONFIDENTIAL

AJ



VMS

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon William Whitelaw CH MC MP
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

31 March 1980

Dear Willie,

THE REVIEW OF THE PUBLIC ORDER ACT 1936

I write to say that I am generally content with the proposed Green Paper attached to your minute of 20 March to the Prime Minister.

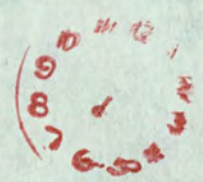
I agree that, as the text says, it is worth paying a high price to preserve the rights of peaceful assembly and public protest. On the other hand, that price should not be unreasonably high. It is certainly desirable that we should do all we can to avoid solutions which lead to bids for more resources for the police and for the other elements of the criminal justice system; in addition we should seek answers which reduce the burden. I therefore welcome the helpful references of this kind in the Green Paper. If it can be managed, I should prefer to see one or two of them expanded so that the reader is reminded that costs do not stop with the police: arrests lead to court appearances and in some cases to imprisonment (or probation), and all these processes involve public expenditure.

I am copying this to the Prime Minister and the other copy recipients of your minute.

Yours
John Biffen

JOHN BIFFEN

311 MAR 1980





DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

The Rt Hon William Whitelaw MP
Home Secretary
Home Office
Queen Anne's Gate
LONDON
SW1

31 March 1980

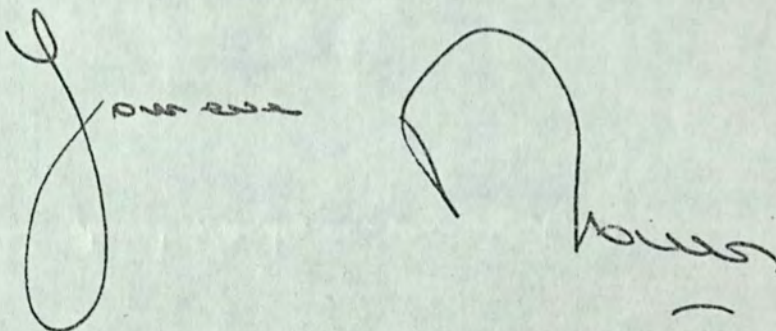
Wm
Dear Willie.

I have carefully read the draft of your Green Paper on the law on public order and your minute to the Prime Minister. It seems to me that this is an outstandingly successful statement of the position and should provide a valuable basis for public discussion. In particular the Green Paper correctly states the British police role which is so often misunderstood - namely that the police are present at demonstrations simply to maintain order and that their effectiveness depends on their acceptance by the public. The fact is that over the last twenty years the British police have been far more successful in carrying out their role than any other police force in Western Europe and their example is looked to by those other European forces.

Of the proposals I particularly support the suggestion that there should be discussions on formulating a

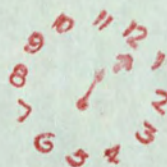
requirement of consultation with the police in advance of demonstrations.

I am copying this letter to the Prime Minister, other members of H Committee, the Attorney General and the Lord Advocate and to Sir Robert Armstrong.

A handwritten signature in black ink, consisting of a large, stylized initial 'N' followed by the name 'FOWLER' in a cursive script.

NORMAN FOWLER

31 MAR 1960





HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

28 March 1980

Dear Nick MS

GREEN PAPER ON PUBLIC ORDER

I promised earlier this week to suggest to you which parts of the draft Green Paper, which was circulated under cover of the Home Secretary's minute of 26 March to the Prime Minister, might be drawn particularly to her attention.

I would suggest you sideline the following paragraphs of the draft Green Paper:

36 & 37 - which make it clear that the Government would not agree to a permanent ban on political marches of all kinds or to banning certain political organisations;

45 & 62 - which suggests some relaxation of the "serious public order" criterion for banning or imposing conditions on marches;

58 - which deals with police powers in relation to arrest and dispersal;

66 & 67 - which deal with the question of an advance notice requirement for marches;

77-82 - which deal with demonstrations and meetings;

83-98 - which deal with election meetings; and

104-111 - which deal with incitement to racial hatred.

I hope this will be useful.

Yours sincerely
Tony Butler

(A J BUTLER)

N J Sanders Esq

128 MAR 1960

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LONDON

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PRIME MINISTER



A highly contentious paper. I fear that some suggestions will give rise to hostile and unrepresentative comments. Do we need to raise any subject of this nature?

Any publication on this subject will lead to trouble; I have sidelined and flagged the more controversial passages. Given their tone, content, subject to the views of colleagues?

PRIME MINISTER

I am writing on behalf of the Secretary of State for Scotland and myself about our review of the law on public order. 28/3

In my statement of 27 June on the disturbances at Southall last year, I said I intended to review the Public Order Act 1936 and related legislation. The primary purpose of the review is to see whether a better balance can be achieved in law between the rights of those who wish to demonstrate and the interest of the rest of the community in the preservation of order.

As the first stage of the review, officials of our two Departments prepared a preliminary discussion document which was sent to organisations with the most direct interest in the administration of the existing law, that is the police and local authority associations and the Commission for Racial Equality. Copies were also sent to other Government Departments with a substantial interest in the review.

On the basis of the replies received, the attached draft of a Green Paper has been prepared, and we propose to issue this as the next stage of the review. The Green Paper is intended to set out and invite views on the complex issues which arise in this area of the law. A provisional Government view is expressed where appropriate. In general the document indicates that we would tend to favour strengthening the law in ways which would assist the police in taking action to prevent disorder - by, for example, introducing a requirement that the organisers of processions should give the police advance notice of their intention, and by applying to static demonstrations provisions thought appropriate to marches. The draft does not commit us to legislate on these points. But it does include, as an Annex, an account of the proposals in the draft Civic Government (Scotland) Bill for legislation on processions supplementing the 1936 Act, about which the Secretary of State for Scotland has

corresponded with the Chancellor of the Duchy.

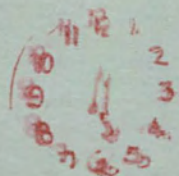
I have indicated to the Select Committee on Home Affairs, which is examining public order, that I propose to issue the Green Paper next month. Indeed, it is highly desirable that it should be published before the resumption, on 28 April, of the inquest into the death of Mr. Blair Peach. But in view of the likely controversy surrounding any pronouncement in this field I believe that you and colleagues will wish to see the draft Green Paper before it is printed, and to let me know if you are content that it should be published.

I am copying this letter and the draft Green Paper to all members of H Committee, the Attorney General and the Lord Advocate, and to Sir Robert Armstrong. I should be grateful, in view of the desirable timetable for publication of the Green Paper, to receive any comments by noon on Monday, 31 March.

hwlw

26 March 1980

26 MAR 1950



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GREEN PAPER ON THE REVIEW OF THE PUBLIC ORDER ACT 1936 AND RELATED LEGISLATION

Foreword by the Home Secretary and the Secretary of State for Scotland

The freedom to demonstrate peacefully under the law is, in a democracy, essential to the health of the community as a whole. But in order to realise that principle in practice, the law needs to balance the freedom to demonstrate with the sometimes conflicting interests of those who do not wish to do so. In a democracy like ours the issue of what the framework of law should be is both complex and controversial.

Despite these inherent difficulties, the importance of the subject justifies thorough examination from time to time, to see whether the balance struck by the law is appropriate and relevant to contemporary problems and those likely to arise in the future. Recent disorders, and their damaging consequences, have persuaded the Government that a thorough review of the law on public order is necessary. The difficulties should not prevent us from taking action to amend the law if that is desirable. But before taking any such action there should be a wide-ranging and open debate.

The law is not the only factor which can maintain public order and the freedom to protest but it is an area in which Government and Parliament can and must act if change is required. This Green Paper, therefore, sets out the issues involved in a review of the law. Where appropriate, it gives an indication of the Government's provisional views. Its purpose, however, is to seek your views. We hope it will lead to a full and informed debate, on the basis of which both Government and Parliament will be able to decide what the balance should be for the future.

WILLIAM WHITELAW
GEORGE YOUNGER

Home Office
London SW1.

Scottish Office
Edinburgh.

April 1980 7

REVIEW OF THE PUBLIC ORDER ACT 1936 AND RELATED LEGISLATION

INTRODUCTION

The Background to the Review

1. In a statement in the House of Commons on 27 June 1979 about the disturbances at Southall on 23 April, the Home Secretary announced that he was instituting a review of the Public Order Act 1936 and related legislation. The purpose of this Green Paper is to stimulate and seek views on the important and complex issues which the review must consider.

2. In announcing the review, the Home Secretary had in mind the need to look again at the law against the background not only of the events at Southall, but also of disturbances such as those at Lewisham and Ladywood in 1977, Digbeth in Birmingham in 1978, and Leicester in April 1979. An examination of these and other events which have posed problems for the police in maintaining public order suggests that a number of important developments have occurred since the Public Order Act was passed to cope with the disturbances which attended the activities of the British Union of Fascists in the 1930's.

3. First, the number of major demonstrations is greater than it has been at least in the relatively recent past. For example, the number of demonstrations in London involving the employment of more than 100 police officers was 55 in 1972 and 119 in 1979. The proportion of police time devoted to dealing with demonstrations has increased correspondingly: in London for example the total manpower deployed on the occasion of all major demonstrations has increased from 19,000 in 1972 to 108,000 in 1979. This means that fewer police officers are left to deal with other important matters, such as investigating crime and patrolling the streets to prevent crime.

4. Second, the amount of disorder has increased substantially and there have been indications of a greater willingness at least on the part of a small minority to resort to violence either in expressing their own views or in seeking to prevent others from doing so. The number of people arrested at major demonstrations in London in 1974 was 247, whereas it was 536 in 1979. The result has been a risk of injury to police officers and members of the public, and a tendency for larger numbers of police officers to be necessary to police individual demonstrations than hitherto. In turn this may have reinforced misconceptions of the nature of the police role.

5. Third, partly as a result of the first two factors, the cost of policing demonstrations has increased. Accurate figures of the cost of policing demonstrations are difficult to prepare, but the report of the Commissioner of Police of the Metropolis for 1978 estimated the cost of policing 18 major demonstrations in London at almost £2½ million. The Commissioner has estimated the cost of policing all demonstrations in London in 1979 which required the presence of 100 or more police officers at some £5.75 million. Cost is not, of course, the only consideration. There is also the economic and social disruption that demonstrations can cause the community. Demonstrations may disturb the normal pattern of community and individual life, causing major inconvenience through, for example, the closure of streets, the boarding up of premises in anticipation of trouble and the not ⁱⁿconsiderable task of cleaning up afterwards. This can result in a considerable number of complaints to the authorities. If disorder occurs it may result in personal injuries as well as in damage to property and dislocation of business life. Less quantifiable but no less important, it may adversely affect the degree of harmony between different sections of the community. And it may also affect the morale of the police, and public perception of their role.

6. The fourth distinguishing feature of contemporary public order problems is, perhaps, their immediacy. Maintaining public order has always involved complex issues. Marches and meetings held by extremist organisations and the counter-demonstrations these attract, and mass demonstrations in support of pickets are two contemporary areas of particular difficulty. The handling of events such as these calls for the exercise by the police of great patience, skill and sensitivity. The presence of television cameras means that any disorder, and the police action necessary to control it, will instantly be brought to public attention, whereas an orderly occasion attracts no publicity. The effect which all this has on the attitude of demonstrators, and the strain which it places on individual police officers, should not be underestimated.

7. Some or all of these factors can be seen in looking at individual events. To take a few examples, during the dispute at the Grunwick plant in 1976-77, as many as 4,500 police officers were deployed on occasion; and during the whole period of the dispute a total of over 300 officers and members of the public were reported injured. More than 500 people were arrested. At Lewisham in August 1977 on the occasion of a National Front march and a counterdemonstration, 2,750 police officers were deployed and 210 people arrested. 270 police officers and 57 members of the public were reported injured. At Southall in April 1979, 2,756 officers were involved in policing demonstrations against a National Front election meeting. 345 people were arrested and 97 police officers and 63 members of the public were reported injured. One member of the public subsequently died.

The Scope of the Review

8. How successfully public order is maintained on each occasion depends on a number of factors, including the number of demonstrators involved, their attitude, the enforcement response of the police and the provisions of the law. Not all of these necessarily are or should be susceptible to action by Government or Parliament. But there is one factor which is, namely the law. Recent difficulties suggest that the time has come to take a considered look at the law on public order and at related matters. This Green Paper is primarily concerned with the law, because this sets the framework within which all concerned - those who wish to demonstrate and the rest of the public, the police and the courts - have to act. The operational arrangements made by chief officers of police to enforce the law are of course primarily matters for them and not for the Government. But it is difficult to consider the adequacy of the existing law without bearing in mind how it is enforced. The Government will therefore consider any general points about the enforcement of the law which may emerge in the course of the present review. In addition, the Government does not intend to overlook matters within its competence outside the provisions of the criminal law which bear directly or indirectly on the maintenance of public order and views on such wider matters would be welcomed.

9. Within the context of the law the present review is intended to concentrate on the main statutory provisions relating to public order applying throughout Great Britain. These are principally the Public Order Act 1936 and related legislation including Section 70 of the Race Relations Act 1976, which inserted Section 5A into the 1936 Act, and Sections 82-84 of the Representation of the People Act 1949. The common law offences of riot, rout, unlawful assembly and affray in England and Wales^{and} of mobbing, rioting and breach of the peace in Scotland, will be directly considered only in so far as they are relevant to the statutory provisions. The common law provisions in England and Wales, along with certain older statutes, are to be the subject of a separate review by the Law Commission. The precise boundary between the two reviews will be determined as seems appropriate as the present review progresses.

10. The review is not directly concerned with the law on picketing, although relevant provisions of the general law on public order will of course be considered (see, in particular, paragraphs 78 and 81, below).

Nor is the review intended to look at the general question of police powers, which in England and Wales is already being considered by the Royal Commission on Criminal Procedure. However, there are some specific issues relating to police powers to prevent and deal with disorder at demonstrations and meetings which are directly relevant to the review and will be considered. Equally the review will consider relevant powers available to the courts.

11. In Scotland the Working Party on Civic Government, which reported in 1976, reviewed local legislation relating to the regulation of public processions. The conclusions reached by that Working Party and some of the Secretary of State for Scotland's proposals following thereon are set out in a separate Annex to this Paper. These proposals will be reconsidered as necessary to take account of the results of this review.

GENERAL PRINCIPLES

12. The review has as its starting point the need to safeguard certain fundamental human rights - the rights of peaceful assembly and public protest and the right to public order and tranquillity. The consequence of this starting point was clearly expressed by Lord Justice Scarman in his report on the Red Lion Square disorders of 15th June 1974 (Cmnd 5919). In paragraph 5 he wrote:

"Civilised living collapses - it is obvious - if public protest becomes violent protest or public order degenerates into the quietism imposed by successful oppression. But the problem is more complex than a choice between extremes - one, a right to protest whenever and wherever you will and the other, a right to continuous calm upon our streets unruffled by the noise and obstructive pressure of the protesting procession. A balance has to be struck, a compromise found that will accommodate the exercise of the right to protest within a framework of public order which enables ordinary citizens, who are not protesting, to go about their business and pleasure without obstruction or inconvenience. The fact that those who

at any one time are concerned to secure the tranquillity of the streets are likely to be the majority must not lead us to deny the protesters their opportunity to march: the fact that the protesters are desperately sincere and are exercising a fundamental human right must not lead us to overlook the rights of the majority".

13. The fundamental question this review asks is whether the rights on the one hand of those who wish to demonstrate and on the other of the rest of the public are in balance. It is the task of Parliament to determine from time to time in legislation where that balance should lie in general and of the police and the courts to ensure that the balance is observed in particular. It follows that the law and any proposals for changing it should seek to do two things:

- i) it should, so far as possible, draw a balance between the rights of demonstrators and those of the public which will generally be regarded as reasonable;
- ii) it should be capable of being enforced by the police and the courts.

The Police Role

14. The nature of the police role in handling disorder should not be misunderstood. The role of the police is and must continue to be confined to maintaining order. Under our law every citizen is under a duty to preserve the "Queen's Peace", that is, the normal peaceful and orderly state of society. A police officer has a special duty in that respect, which he accepts when he assumes the office of constable. The law already gives him a number of powers which he must use when disorder occurs or is reasonably anticipated. But it is no part of the policeman's task to judge between the views of opposing factions in the street. He is not present at demonstrations either to oppose some or to protect others. His duty is simply to preserve order and prevent offences and to enforce the law, no more and no less. Any review of the law must bear this fundamental point in mind.

15. A second fundamental point is that the police depend for their effectiveness on the consent and cooperation of the public whom they serve. In this country, the style of policing is based on the assumption of the consent of the community. The police are the servants of the community. This applies to the

policing of demonstrations as to other aspects of policing. The British police do not have sophisticated riot equipment - such as tear gas or water cannon - to handle demonstrations. Their traditional approach is to deploy large numbers of officers in ordinary uniform in the passive containment of a crowd. Neither the Government nor the police wish to see this approach abandoned in favour of more aggressive methods.

16. Two important considerations for the review flow from these major points. First, the object should be to clarify and improve the law for the sake of the public at large and those who wish to demonstrate. Accordingly any change which would make the law harder to administer or the task of the police more difficult is unlikely to be of general benefit. Secondly, any changes in the law should be designed to cope with the developments mentioned in paragraphs 3-7 without harming the relationship between police and public on which the British approach to policing public order is based. Both of these factors need to be kept in mind in considering whether changes, and if so what changes, are desirable.

THE EXISTING LAW

17. To consider whether we have got right the balance between demonstrators and the rest of the public we need to begin by looking at the existing law. There is, under our law, no statutory right to assemble in a public place or to process along the highway, although the European Convention on Human Rights, of which the United Kingdom is a signatory, guarantees the right of freedom of peaceful assembly. However, the courts have recognised that people are free to process along the highway, subject to certain specific restrictions mentioned below. In particular, they can do so provided that they do not interfere with the use of the highway by others or cause a nuisance to occupiers of property adjoining the highway. Essentially, to be lawful, the use of the highway must be a use for the purposes of passage along the highway. The present law regarding what constitutes a lawful use of the highway rests on this principle.

18. The fundamental assumption in our law is that a citizen is free to do something unless there is a specific provision to the contrary. This applies to the law on public order as to other aspects of the law. The law on public order therefore consists in essence of those restrictions on the exercise of the freedom to demonstrate in public which, over the years, have been felt by Parliament and the courts to be necessary in the interests of maintaining order. As such, the appearance of the law reflects the slow process of historical development. It is not codified in a particular statute: various Acts of Parliament as well as important provisions of the common law are relevant to it. A number of local Acts also contain provisions, for example, affecting the freedom to march through a particular locality.

19. In addition to provisions like the Public Order Act 1936 and others aimed specifically at maintaining order at marches, demonstrations and meetings, the general criminal law applies to acts of violence against persons and property. Thus there are for example the offences of assault, assault occasioning actual bodily harm, wounding and causing and inflicting grievous bodily harm. The Criminal Damage Act 1971 creates the offence of destroying and damaging property belonging to another. There are provisions relating to obstruction of the highway and, in the Police Act 1964, of assaulting or obstructing a police officer in the execution of his duty. The Prevention of Crime Act 1953 also supplements provisions in the Public Order Act 1936 prohibiting the carrying of offensive weapons. Moreover, under the common law, police officers have a

general power to act to prevent a breach of the peace; and there are the offences of affray (fighting to the terror of Her Majesty's subjects), unlawful assembly (where there is a common purpose among three or more persons to achieve an object by resort to or threat of violence), rout, riot and public nuisance.

20. In Scotland, as in England and Wales, the combination of common law and statutory provisions applies : the Criminal Damage Act 1971 does not apply in Scotland and the common law offences of greatest relevance there are assault, malicious mischief, mobbing and breach of the peace. Although the Public Order Act 1936 and the Prevention of Crime Act 1953 apply to Scotland, there are other statutory powers available to district and islands councils under the Burgh Police (Scotland) Act 1892 and various local enactments which enable them to prohibit or regulate public processions in parts of their areas.

21. The existing law on public order is therefore complex and fragmented. Over the years it has on the whole succeeded in adapting flexibly to new situations. Nevertheless there is scope for rationalisation and improvement. There are a number of real uncertainties. A particular feature is that while it contains much that is designed to enable the police to cope with disorder once it occurs, it contains relatively little short of the ultimate sanction of a ban on a procession to help them prevent disorder before it breaks out.

The Public Order Act 1936

22. The Public Order Act 1936 is the main exception to this. It is in fact central to this review because it embodies two principles directly relevant to its purpose. First, unlike other powers available to the police which can only be exercised after an offence has been committed, the Act provides, in respect of processions, powers to take preventive action where a proposed event is likely to cause serious disorder. Secondly, in respect of threatening, abusive and insulting conduct and (by virtue of the amendment made to the 1936 Act by the Race Relations Act 1976) incitement to racial hatred, it makes unlawful certain types of words and behaviour which are offensive to the community at large or sections of it.

GENERAL QUESTIONS ABOUT THE SHAPE OF THE LAW

23. Before going on to examine in detail questions about the effectiveness of the existing law, however, it may be appropriate to ask two fundamental

questions which affect the shape of the law on public order. First, is there a case for introducing a statutory right to demonstrate into our law? Secondly, is the 1936 Act (which was passed in very different circumstances) still appropriate and indeed do we need a public order act at all?

A Statutory Right to Demonstrate

24. There is frequent mention in public debate of the "right to demonstrate". In fact, as the analysis in paragraphs 17-18 above shows, our law does not in terms recognise a specific right to demonstrate. This is because the basic assumption in the law is that one is free to do whatever is not specifically prohibited by the law. So while there is in law no specific right to demonstrate, one is certainly free to do so, provided specific provisions of the law (eg those relevant to one's conduct while demonstrating) are not contravened.

25. It has been argued that this means that the right to demonstrate is inadequately protected, and that the balance of the law should be redressed by enshrining a statutory right to demonstrate in our law. In particular, it is sometimes said that the law gives undue prominence to the right of passage along the highway, and that it should also recognise a right to stand in the highway provided the rights of passage of others are not thereby infringed. A statutory right to demonstrate might help in this and other respects. Such a statutory right could not, however, be absolute and would need to be subject to limitation in the interests of maintaining order. Countries with written constitutions which include protection for freedom of expression and assembly do not regard these rights as unfettered, and articles 10 and 11 of the European Convention on Human Rights, which affirm these rights, include a recognition that they may need to be restricted by law for, among other things, the prevention of disorder or crime and for the protection of the rights and freedom of others.

26. The inclusion in our law of a statutory right to demonstrate would be a novel and uncharted step. In modern times it has not been usual to introduce general rights into the law - as distinct from specific and precisely defined rights (such as rights of appeal and rights to inspect or receive information). The objections that have been made to a statutory right to demonstrate include broad philosophical as well as more practical points. It is argued that it is desirable to maintain the common law tradition under which the citizen has the freedom to do whatever is not prohibited by the law. In this way the boundaries

of rights can be known to be as set by long established case law or approved by Parliament and are not open to extensive judicial redefinition. (The general issue of judicial involvement in the merits of decisions eg to ban processions, to which the question of a right to demonstrate is related, is discussed later in this Green Paper).

27. On the more practical level, it is argued that there would be difficulties in defining the precise boundaries of a right to demonstrate and that the existence of such a right, rather than simplifying the law, would greatly increase its complexity. This uncertainty might pose problems for the police in maintaining order, and increase the scope for misunderstanding between police and public about what are the actual rights and duties of those who wish to demonstrate.

28. It is also argued that in practice the freedom to demonstrate is adequately recognised under existing law and needs no further protection. It is relevant that in paragraph 134(6) of the Red Lion Square Report, Lord Scarman regarded the enactment of a positive right to demonstrate as unnecessary, except as part of any general codification of this branch of the law. "The right", he commented, "of course exists, subject only to limits required by the need for good order and the passage of traffic".

Why have a Public Order Act at all?

29. Before discussing possible changes to the Public Order Act, it may be appropriate to ask whether the Act is still needed. It has been suggested that since the problems the Act was passed to deal with (the disturbances of the 1930's) have long since passed away, the Act itself should be repealed.

30. There are two main answers to this argument. First, while the problems of the 1980's may be different from those of the 1930's, disorder may still occur on a scale which prevents other people from pursuing their own activities. There is therefore still a need for an Act designed to help the police preserve order. Second, some of the provisions of the 1936 Act, such as section 5, have proved and continue to prove useful to the police in keeping the peace. But other provisions are arguably less effective than they might be. For example, the provisions in the Act intended to help prevent disorder are essentially last resort measures whose application is limited to processions; they do not extend to meetings and demonstrations which may give rise to the same problems.

It is sensible therefore to review the 1936 Act to see how deficiencies like this can be overcome in ways which might assist in preventing disorder, no matter what the circumstances in which it might arise and without the need to rely on last resort measures.

REVIEW OF POWERS TO PRESERVE ORDER:

(1) POWERS TO CONTROL PROCESSIONS

31. Powers to ban processions have been used less frequently in recent years than immediately after the 1936 Act was passed: in all they have been employed in England and Wales on some 11 distinct occasions since 1936 (though that figure includes as single occasions periods from 1937 to 39, and from 1948 to 51, when an almost continuous ban was in force in certain areas). ^{perhaps} The powers have also been used recently in Scotland. In the sense that they are today used relatively rarely, the powers to ban are less important to the maintenance of public order on a day-to-day basis than other powers. Nevertheless the imposition of a ban directly affects civil liberties. Moreover, discussion of the circumstances in which it may be right to consider banning a procession goes to the heart of the question of balance between the freedom to demonstrate and the right to peace on the streets. It seems appropriate therefore to start by considering the provisions relating to the banning of processions.

32. Statutory powers relating to the banning of processions are contained in section 3 of the Public Order Act 1936. They provide that, in England and Wales outside London and in Scotland, where a chief officer of police considers that the powers conferred on him by the Act to impose conditions on marches will not be sufficient to enable him to prevent serious public disorder, he shall apply to the district council (the regional council in Scotland) for an order prohibiting for up to three months the holding of all public processions or any class of public procession. Upon receipt of the application the council may, with the consent of the Secretary of State, make an order. In similar circumstances in London, the Commissioner of Police of the Metropolis or for the City may, with the consent of the Secretary of State, make an order.

Should there be any Changes in the Criteria for Banning a Procession?

33. At present, a ban can only be imposed where serious public disorder cannot otherwise be averted. Is this still the right test? Should there be powers to ban processions on grounds other than public order? If public order remains the basic consideration, should the test remain that of serious disorder or should it be less stringent?

Bans on other than public Order Grounds

34. Apart from public order considerations, it can be argued that marches cause such disruption that it should be possible for them to be banned on other grounds. This is not unprecedented. Powers exist in Scotland under the Burgh Police (Scotland) Act 1892 and in local legislation for district and islands councils (with certain reservations in respect of the former cities) to ban public processions without stated reason. Councils are not required to consult the Chief Constable before exercising this power.

A Ban on Political Marches

35. It has been suggested from time to time that the right to march for a political cause should not be treated as a fundamental right on a par with freedom of speech. It is argued that modern means of communication make marches less necessary as a means of drawing attention to a point of view. There may be some public sympathy with this viewpoint. Nevertheless, the great majority of marches do not cause serious disorder, and those who participate in marches regard them as an important means of expressing their views. Access to the media is not equally available and a ban on all political marches might bear more heavily on the relatively disadvantaged. Such a ban would undoubtedly be resisted as an encroachment on traditional liberties unparalleled in democratic countries. There would be difficulties of distinguishing political from non-political marches. Substantially defied, a ban on this basis could create more problems than it would solve.

36. The Government cannot agree that a permanent ban on political marches of all kinds is justified or desirable. The freedom to demonstrate one's views in public - within the law - is fundamental to a democracy.

Bans on Organisations

37. Nor can the Government agree with the argument that, since much of the recent disorder has resulted from confrontations between supporters of the National Front and others including members of the Socialist Workers Party, there are grounds for banning one or other of these organisations or both. It has been maintained by successive Governments that, provided they act within the law, people should have the right to form themselves into organisations, to express their views and to contest elections, and that this right should be denied only in the most exceptional circumstances. Proscription has in Great Britain been confined in recent years to organisations openly and avowedly dedicated to violent terrorist acts and to the overthrow of the civil authorities.

Should the Test be one of Offensiveness?

38. But if it would be unjustified to ban all political marches or to proscribe certain political organisations, are there other criteria which could be applied? In particular would it be right, as has sometimes been suggested, for marches to be banned where serious offence is likely to be caused to certain sections of the community - for example, on racial or religious grounds - even though serious disorder is not likely to ensue? This suggestion has some attractions. However, on examination it would seem to have a number of drawbacks. Is it right, for example, in a democracy to deny the holders of certain views the right to express them in public - subject to the existing law on racial incitement, libel, etc - even though there is no risk of their expression being attended by disorder? If offensiveness were to be a criterion for banning a march, who should judge the degree of offensiveness of a particular march - the police, the local authority, the Secretary of State or some other body? Could the police be asked to enforce laws based on a criterion of "offensiveness" without becoming seen as the agents of one political or social view, thus violating the principle referred to in paragraph 14 of this Paper? The Government would welcome views on these questions. Its provisional view is that the fact that a march is being conducted by people who hold views which the majority of the community find offensive should not in itself be a sufficient reason to ban the march, and that to provide power to ban on such grounds alone would be an unacceptable infringement on traditional freedom of thought and expression.

Should the Test rather be Disruption to the Local Community?

39. Marches can cause serious traffic congestion, disruption to business life and inconvenience to those who wish to go about their business or pleasure without obstruction. It may be that, at present, the balance is too heavily weighted in favour of the demonstrators and there should be powers to prevent undue disruption. On the other hand, Lord Scarman suggested in his Red Lion Square report that concern to secure the tranquillity of the streets should not lead the law to deny protesters the opportunity to march. The difficulty with a test of disruption to the community - as with a test of "offensiveness" - would be defining the test in a way which could be sufficiently precise and avoid presenting opportunities for undue interference with democratic rights. If the criterion was to be "disruption", again the question would arise whether the decisions to ban could more appropriately be taken by the police, by the local authority or by the Secretary of State.

40. It is sometimes suggested in this context that local authorities should have powers to designate certain areas only for demonstrations and processions, eg that they should be confined to recognised "Speakers' Corners". There are already provisions forbidding the holding of parades or meetings in certain areas, either absolutely or without permission, and there may be arguments for some limited extension of restrictions of this type. To introduce provisions forbidding processions or meetings outside certain limited areas, however, would be altogether different. Most demonstrators choose as their focus an objective (such as an embassy or Government Department) associated with the matter about which they are protesting. A provision that only allowed marches or demonstrations within certain defined areas or along certain specific routes might well prove both unduly restrictive and difficult to enforce. The better course might be to give the police a wider power than at present to apply conditions, including a power to prescribe the route - to individual events. The freedom to demonstrate does not necessarily imply a liberty to do so wherever one wishes regardless of the implications for public order.

A Public Order Test

41. The test for imposing a ban on processions embodied in the 1936 Act is that of serious public disorder. It seems clear that, in deciding on that test, Parliament had in mind the need to adopt a criterion which was, as far as possible, both objective and independent of political considerations. The power to initiate consideration of a ban was left to the professional judgement of those whose duty it is by law to maintain the peace - chief officers of police.

42. The Government will welcome views on whether some alternative to a test of public order should be introduced ^{into} the 1936 Act. Having considered several possibilities the Government's provisional conclusion is that the risk of public disorder should remain the basis on which a ban on an event is considered, though the addition of other criteria ^(as suggested in paragraph 45 below) need not be ruled out. The arguments which weighed in favour of a public order test when the 1936 Act was passed seem just as strong today. If this is accepted, the question then arises whether the test of serious public disorder is in practice too stringent. Does it unnecessarily inhibit the police in initiating a ban on a procession when they think one is necessary? Should a less ^{stringent} public order test be imposed?

A Less Stringent Public Order Test?

43. The fact that under the Public Order Act a ban can be imposed only where serious public disorder cannot otherwise be averted seems to have been interpreted

by chief officers of police to mean that, where serious disorder can be avoided by calling for assistance from other forces, then a ban is not appropriate. However, it can be argued that the test in the 1936 Act is too stringent and that the rights of demonstrators are being given too much weight as against the interests of the community. In Manchester in October 1977 over 6,000 police officers had to be deployed, and in Leicester in April 1979 5,000 officers were deployed from over 20 forces. It has been argued that it is consistent with the intention of the 1930's legislation that marches should be banned where police forces cannot prevent serious disorder from within their own resources. It can also be argued that local ratepayers should not have to suffer a reduction in normal police cover nor finance expensive mutual aid arrangements in order to enable controversial groups, drawing much of their support from outside the area, to express their views.

44. A provision which had regard to the ability of a particular force to preserve order from its own resources would inevitably bear harder on some areas and police forces than on others. It would bear particularly hard on London and the Metropolitan Police which, because of its size, does not usually need to invoke mutual aid arrangements. It is arguable that capital cities throughout the world are a natural and inevitable focus for demonstrations, and that preventing demonstrations directed at the seat of government represents a more substantial incursion into civil liberties than restrictions elsewhere. But however such restrictions were imposed, they would effectively limit freedom to demonstrate in some areas while in consequence placing a heavier burden on others. For these reasons the suggestion of a public order test linked to the ability of a force to cope with disorder from its own resources seems impracticable.

45. Nevertheless, the policing of demonstrations does divert a good deal of police effort from other tasks, such as preventing and investigating crime, to which the public may attach greater importance. One way of taking this (and incidentally some of the cost considerations) into account might be to enable the effect of an event on the policing of an area as a whole to be taken into consideration, along with the risk to public order, when a ban was being discussed. The test of serious public disorder in the 1936 Act is linked to the power to impose conditions on a procession as well as to ban one. The stringency of the test may have had, as will be suggested later, a more serious effect in restraining the use of the power to impose conditions than in limiting the

number of bans on marches. There seem good reasons for some relaxation of the present test if the rights of those who wish to march and those of the rest of the community are to be properly balanced.

46. A note of caution should be added, however. If powers to ban demonstrations continue to be confined to marches and processions, it may be unrealistic to think that a lesser public order test will reduce the level of policing required overall. Experience suggests that demonstrations and meetings can provide the focus for as much disorder as marches. The question of powers to control demonstrations and meetings is discussed in paragraphs 74 - 93 below.

Power to Ban more Selectively

47. Section 3 empowers the banning of all public processions or "any class of public procession". It does not permit the banning of a particular march. There is an argument that a ban made on public order grounds should be of broad application rather than directed at a particular march or organisation, which might give an appearance of political or other bias. It has, however, been argued that, as the ban is invariably occasioned by a particular march or marches, it would be more straightforward for the ban to apply to that march or those marches only. People whose marches are affected by a ban but who are not the cause of it feel this particularly strongly. A difficulty might be that any narrowly defined ban might be circumvented by skilful organisers calling themselves by a different name or finding a different pretext for a banned march. However, this difficulty might be lessened if there were a requirement to give advance notice of processions.

Procedure for Banning a March

48. Apart from the question "What should be the criterion for banning a march?", there is also the question "Who should ban a march?" The present procedure outside London is that the chief officer of police decides whether to seek a ban, the district council (in Scotland, the regional council) consider whether to make a banning order, and the Secretary of State decides whether to approve that order. Is there any need for change in the procedure?

49. It has been argued that the decision to ban marches is a political decision, the initiative for which should rest with the local authority or the Secretary of State. It is, however, worth recalling that in 1936, Parliament

consciously gave powers to chief officers of police which in the provinces had formerly been associated with the local authorities. The argument advanced was that a local authority could not be expected to form a judgement on the threat to public order that was presented by a particular march. Such a judgement was properly a matter for the police. It was important to ensure that the initiative in seeking a ban was - and was seen to be - taken by the chief officer of police on public order and not political grounds. But it was equally felt that the police should not be the authority which ultimately decides whether marches can take place or not. This was considered something for the local authority and the Secretary of State to decide, but only on the basis that the police have first assessed that there is a real risk of serious public disorder.

50. Is this still the correct approach? Clearly the procedure to be followed is related to the criteria on the basis of which a ban may be imposed. The role at present given to the police, for example, stems from the public order test embodied in the 1936 Act. If the criteria were changed, then a different procedure might be appropriate. However, even with the present test, there have been proposals for procedural change. For example, it has been argued that the role of the local authority in the banning of marches should be re-assessed, and that the position in the provinces and Scotland should be brought into line with that in London, with the chief officer of police applying direct to the Secretary of State for approval of a ban. In favour of this, it is argued that there are now far fewer police forces than there were in the 1930's, and that every force now is both more professional and more likely to have experience or knowledge of the problems posed by controversial marches; there is therefore no need for local authorities to act as a check on the view of a chief officer who, save for this exception, is responsible for decisions on operational matters. It is also sometimes argued that the involvement of the local authority may import an undesirable degree of party political controversy into the decision to ban a march, and that the logic of having a public order test as to whether to ban a march is that the chief officer of police should make the banning order, subject to the Secretary of State's approval.

51. ^{the} Against this view, there is the strongly held opinion that it is right that/people of an area should have a say in the banning process through the involvement of their local authority. Indeed some suggest that the local authority should itself be able to initiate a ban without having to wait for the chief officer of police to seek one - as some local authorities in Scotland are already able to do under the Burgh Police (Scotland) Act 1892 and local legislation. Controversy has in fact arisen not only over decisions to seek a ban, but also over decisions not to do so, where at present the local authority has no statutory role.

52. In Scotland the long established tradition of local authority powers in this field is reflected in the recommendations of the Working Party on Civic Government in Scotland, who reported in 1976; their recommendations and the action the Government propose to take on them are set out in the Annex to this Green Paper.

53. Some compromise might be found between the opposing views. For example, the powers at present vested in England and Wales in the district council might perhaps be conferred on the county council, if only to avoid the chief officer of police having to seek ban after ban from different councils if an organisation kept on switching its marches from district to district in the same locality. It has also been suggested that the power to make an order, or at least the power to initiate consideration of one, should rest with the police authority. (In the Metropolis the consent of the Home Secretary, who is of course the police authority, is required). Others take the view that the present power of the district council to make an order emphasises the involvement of the local community. Whether formal responsibilities are changed or not, there may be a case for a formal requirement for consultation between the chief officer of police and the local authority concerned during the first two stages of the banning process.

The Role of the Secretary of State

54. All orders banning processions under the Public Order Act are required to be made with the consent of the Secretary of State. In England and Wales this means the Home Secretary, and in Scotland the Secretary of State for Scotland. The purpose of this requirement is to ensure that restrictions on the right to protest are not imposed unjustifiably or contrary to the public interest. In particular, the involvement of the Secretary of State ensures that there is Ministerial accountability to Parliament for such restrictions, however temporary, on normal democratic rights.

The Role of the Courts

55. The suggestion is sometimes made that the courts should be given jurisdiction to consider decisions to ban or impose conditions on a march, perhaps by way of an appeal to a Judge in Chambers. It is argued that this would provide an independent and clearly non-political check on the taking of decisions which involve interference with the exercise of what many regard as basic rights. This suggestion raises the whole question of the role of the courts in relation to the taking of decisions about public order.

56. It seems necessary at the outset to distinguish two concepts: judicial review of whether decisions have been properly reached; and judicial involvement in the merits of the decisions themselves. Judicial review - the first of these concepts - already exists in the sense that the decisions of anyone who performs statutory functions may be reviewed by the courts and quashed or declared to be unlawful if ^{the person concerned} can be shown not to have exercised his functions in a proper manner. Judicial involvement in the merits of decisions, however, would be a new departure in this field. Essentially such involvement might take one of two forms. In the first, the courts might be involved in the taking of the decision itself, for example they might take the place of the Secretary of State in exercising the function of consenting or not consenting to a ban on a march. In the second, a right of appeal might be given to a court from the decision of an administrative authority.

57. In both these latter cases, the courts would be involved in examining ^{The arguments for such a novel departure have already been mentioned} not the procedural propriety of a decision but its actual merits. ^{The arguments} against it in the case of the 1936 Act are substantial. In addition to practical questions, they include the objections of principle that the courts are not best placed to take decisions about major public order matters and that they should not be involved in making decisions about political or administrative matters as opposed to questions of law in such a potentially controversial area. In his report on Red Lion Square, Lord Justice Scarman concluded: "It is best that a decision to ban a march should require the consent of a politically responsible minister such as the Home Secretary - which under the existing law it does". The Government's provisional view in relation to the 1936 Act is that the present requirement that the Secretary of State, who is answerable to Parliament, should approve a

ban on a march is both an appropriate and a sufficient safeguard. It would be inappropriate for the merits of a decision of the Secretary of State under the 1936 Act - as against its procedural propriety - to be subject to appeal to the courts ; moreover it is difficult to see on what basis the courts could determine the appeal except by setting their judgement of what would not be a legal question beside that of the Minister.

Police Powers in relation to Unlawful Processions

58. One of the inhibiting factors in relation to banning marches is that, under the Public Order Act, there is no power to arrest those who defy a ban or who disobey routing instructions given by the police. Admittedly the police can fall back on their common law power to arrest where a breach of the peace seems likely. But this may seem an unnecessary complication for the police in trying to defuse confrontation, and there would appear ^{to be} arguments for giving the police an immediate power of arrest for offences under section 3(4) of the Act. It is also arguable that taking part in a banned march should be a criminal offence. It may indeed be suggested that there is some uncertainty in the existing law over police powers to disperse an unlawful procession (or assembly), by reasonable force if necessary, which requires clarification.

The Government is inclined to think that this is desirable.

Powers for the Routing and Ordering of Processions

59. Banning processions is a measure of last resort; in fact, it occurs relatively very rarely and, for its part, the Government has no desire to see bans being imposed more frequently. A ban is the ultimate preventive measure - but are there other steps which can be taken to prevent disorder which fall short of the restriction on the freedom to demonstrate which a ban involves and which can more effectively reconcile the exercise of that freedom with the maintenance of order?

60. The obvious step is to impose conditions on the conduct of a procession. A power to do this is already contained in section 3(1) of the 1936 Act. This gives a chief officer of police power, where he has reasonable grounds for apprehending that a procession which is taking place or is to take place may occasion serious public disorder, to give directions imposing upon those organising or taking part in the procession such conditions as appear to him necessary for the preservation of public order, including conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from entering any public place specified in the directions. There is a saving for the display of flags, banners and emblems but, even in respect of these, conditions can be imposed that are reasonably necessary to prevent risk of a breach of the peace.

61. The section is in general terms. However, in practice it appears to have been used by the police with caution. There may be a number of reasons for this. The police usually prefer to discuss the arrangements for a march with the organisers and reach a mutually acceptable agreement. They tend to resort to formal directions, which could in certain circumstances be regarded as provocative, only if there is a pressing need to do so. On the other hand, the police may be content to rely on other statutory powers: for example, in London the general powers conferred on the Commissioner by section 52 of the Metropolitan Police Act 1839 to make regulations and to give directions to constables to keep order and prevent obstruction of the streets; or, elsewhere, powers conferred by local byelaws.

62. However, it may also be that, in requiring a chief officer of police to have reasonable ground for apprehending serious disorder before giving directions, the section imposes too stringent a test. This brings us back to the criterion for taking preventive action which is embodied in the 1936 Act. If the test of serious public disorder inhibits directions being given, there may be a case for importing more flexibility into the grounds for giving directions. If the criterion for banning a march were to be widened beyond public order considerations, then a similar widening of the test for imposing conditions on a march would have to be considered. But the Government's provisional view is that public order considerations should remain the ground for imposing conditions on a march, as for banning it, although the stringency of the present test of serious disorder might usefully be relaxed and the addition of other criteria need not be ruled out. If on balance it was felt undesirable to lessen the test of serious public disorder for banning a march, it might nevertheless be desirable to introduce a less stringent test (simply of disorder) for the application of conditions to a march. Here the power to impose conditions with reasonable cause would remain in the hands of the police.

63. Another matter which requires consideration in this context is whether the Public Order Act 1936 needs amendment to enable the senior police officer present to re-direct a march which is under way if on reasonable grounds he thinks it necessary in the interests of public order. In his Red Lion Square report Lord Scarman thought it likely that such a power in fact existed. It is indeed arguable that in referring to a procession which "is taking place or intended to take place" and to "the route taken or proposed to be taken by the procession" section 3(1) of the Act explicitly confers such a power on the chief officer of police (though probably not, as Lord Scarman suggested, on the senior police officer present). But there is an apparent uncertainty here which it would be sensible to clear up.

Should Demonstrators be Required to Meet the Costs of Policing their Demonstrations?

64. It may be appropriate to consider at this point the suggestions that have been made from time to time that financial conditions should be imposed on the organisers of marches and demonstrations; for example that they should be required to meet some or all of the cost of the policing arrangements or that they might be required to enter into a bond from which they would be expected to meet the cost of any damage resulting from the march.

65. There are obvious theoretical attractions in making those whose activities occasion disorder liable for the cost, and the Government has a good deal of sympathy with the feelings that often lie behind these suggestions. However, the practical difficulties about such proposals seem formidable. First, it can be argued that it is unreasonable to hold the organiser of what is intended to be a peaceful march responsible for the activities of elements who may join the march but over whom he may have no control. Equally, recent events have shown that responsibility for disorder occasioned by marches can be caused almost wholly by counter-demonstrators seeking to disrupt the march, rather than by those taking part. At other times, the blame is more or less equally shared. Then there is the objection of principle that imposing financial restrictions of this sort would in effect be taxing the exercise of a fundamental freedom. The effect of a requirement for a financial guarantee might ultimately be to restrict marches to those on uncontroversial issues and organised by people of considerable financial means. For these reasons, the Government doubts whether these suggestions can profitably be pursued.

Advance Notice of Processions

66. The Government sees more merit in the representations that have been made on many occasions in favour of a national requirement for advance notice of processions. Provisions in local legislation requiring advance notice are at present in effect in some 107 local authority areas in England and Wales, and some 3 areas in Scotland, and such a requirement is a feature of Northern Ireland legislation as well as of that of many West European countries.

67. If a march or procession is expected to be very large, or provoke a significant counter-demonstration, the police will need to make arrangements to divert traffic and to preserve order. Clearly the more time they are given for this, the more satisfactory these arrangements are likely to be. If a march is

over

likely to create public order problems, time will be necessary to consider whether conditions should be imposed on it as to route etc. If consideration is given to the use of the powers for banning processions under the Public Order Act 1936, the procedures involved for the police and local authority outside the Metropolitan Police District are bound to take some time. The chief officer of police has to approach the district or regional council. They, in their turn, have to come to a decision and then the Secretary of State has to come to a decision himself on their request. Where a march is likely to require a larger number of police officers to control it than a particular chief constable could have available from his own force, he will have to obtain assistance from other forces. This again takes time to organise.

68. The principal argument advanced against a notice requirement is that it might prevent the procession for which there was a legitimately urgent reason: eg a march to the embassy of a foreign power which had announced that one of its political prisoners was to be executed within 24 hours, or, on a more local level, a march against a factory closure or in favour of a pedestrian crossing outside a school after a fatal road accident.

69. Those opposed to a notice requirement also refer to Lord Scarman's view that, even without specific provision in the law, the police are in fact notified of processions in the majority of cases, and that, where they are not, the police generally do not have undue difficulty in finding out what is planned. It is argued that a notice provision would be a largely unnecessary requirement, which could be an embarrassment to law-abiding citizens. It is also argued that it could militate against public order in that where a controversial group, such as the National Front, gave the minimum notice required, counter-demonstration in the form of a march could not be lawfully organised. Those who wished to demonstrate would therefore be reduced to lining the route of the National Front march to protest, with the consequent risk of public disorder.

70. The problem of the procession organised at short notice could, however, be met in a number of ways. One way would be by giving to some authority, possibly the chief officer of police, the power to waive the notice requirement either at discretion or in particular circumstances. For example, as the requirement would be imposed for public order purposes, the chief officer might be empowered to waive it if he felt it was in the interests of maintaining order to allow a procession to proceed or that there would be no risk to order in so doing. Alternatively the power of waiver might be given to a court, though the police would clearly have to be informed of any application for a waiver and to have a right to have their views heard by the court before it reached a decision. It might be difficult to involve the courts in this way without cutting across the principle mentioned in paragraph 57 above. 24

Either in addition or as an alternative to a power of waiver, any provision might include the approach now embodied in the recent West Midlands County Council Act, which requires notice to be given at least 72 hours before a procession or as soon thereafter as is reasonably practicable. In the event of a prosecution for a failure to give 72 hours notice, it would be for the courts to judge whether notice had in fact been given as soon as was practicable. If a power of waiver were coupled with such a provision it might give the organisers of a march the opportunity of learning in advance that their ~~march was~~ ^{actions were} lawful rather than having to rely on the uncertain "reasonably practicable" provision. In addition, processions of a particular sort - such as religious or festive processions customarily held or charitable or funeral processions - might be exempted altogether from the requirement to give notice. The lack of difficulty experienced with advance notice requirements in local legislation suggests that the problem of the short notice or spontaneous procession is more theoretical than real, and that a way of overcoming any difficulty can be found which is preferable to eschewing a requirement for reasonable notice for the generality of processions.

71. Although the police do often receive advance notice of an event, this does not happen in all cases. The chief advantages of a notice requirement are that it might help ensure the police receive advance warning of an event in more cases than at present, and that it may give the police more time to take action designed to prevent disorder than they might otherwise have. In particular it might serve as the formal trigger for discussions between police and organisers designed to agree the ground rules for a march. These might subsequently be embodied in formal conditions. It might in turn help to encourage organisers to assume more responsibility for policing their own people. And it would serve to emphasise that those who wish to process down the street should have regard to the rest of the community.

72. These considerations suggest that the balance of advantage may lie in introducing a national requirement of advance notice of processions. This would not be the same as introducing a requirement to have a permit to march. Everyone would ^{would} ~~still~~ be free to march as they wished. But they would be required to give a reasonable notice of their intention to the police (and, perhaps, the local authority).

73. If a national requirement of advance notice were introduced, a number of subsidiary questions would need to be considered. In addition to the question

of waiver and exemption mentioned earlier, these would include the length of notice to be given and the authorities to whom it should be given. On the length of notice, the Working Party on Civic Government in Scotland in its study of Scottish local legislation recommended 7 days notice and the police associations in England and Wales are also understood to favour this. On the other hand most English local bills of present before Parliament which include an advance notice clause provide for 3 days notice. 5 days (coupled with suitable provisions for waiver and for exemption) is not without merit. The precise formulation of the associated offence provisions and whether they should carry a power of arrest, as well as the question of any statutory defences, would also need to be considered. In addition the relationship between the national requirement and the provisions in local acts might need to be examined. The Government would welcome views on these matters as well as on the major issues involved.

(2) POWERS TO CONTROL DEMONSTRATIONS AND MEETINGS

74. The powers contained in the Public Order Act 1936 to impose conditions on, and to ban, demonstrations apply only to those which take the form of processions or marches. They do not apply to static demonstrations or to meetings, whether public or private. The only provision in the 1936 Act specifically directed to public meetings is a section amending the Public Meetings Act 1908 to enable the organisers of meetings to obtain the names and addresses of anybody who tries to break up the meeting and to empower the police to arrest anyone who refuses to supply this information.

75. However, much recent disorder has arisen not in relation to marches but to meetings and to demonstrations against meetings. Thus in August 1977, two days after the Lewisham disorders, a demonstration against a National Front by-election meeting in Ladywood, Birmingham, led to disturbances in which 97 police officers were injured and there was considerable damage to public and private property. Again, in Birmingham in February 1978, some 2,500 police officers had to be deployed to deal with a demonstration against a private Young National Front meeting in the Civic Hall. 58 police officers were injured (one sustaining a fractured skull) and there were 30 arrests. The demonstration against a National Front election meeting at Southall in April 1979, in which some 3,000 people took part, has already been mentioned.

76. The question arises therefore whether provisions similar to those applying to processions should apply also to static demonstrations and to meetings. Such a step would be a major departure. One view would be that freedom of speech at such gatherings is paramount, provided that the speaker does not transgress the law, and that it would be wrong therefore to take powers, for example, to ban meetings. On the other hand it can be argued that if some controls on marches are felt to be justified in the interests of maintaining order, then it is difficult to see why similar powers should not be justified in relation to other forms of protest activity. In the end the issue can perhaps only be assessed by considering what form controls or restrictions might take and what safeguards could be provided.

Demonstrations and Open Air Meetings

77. The first question to be considered is to what type of public assembly any new controls should apply. Demonstrations may take many different forms and be arranged for a wide variety of purposes. There may be demonstrations outside meetings against the views of those conducting the meeting, demonstrations for other political purposes (such as those outside embassies), or those conducted for industrial purposes (in support of pickets or against plant closures, for example). But there are also other types of gathering on the highway or in public places where public order problems may arise, but which are non-political. Street carnivals, such as that held in Notting Hill (which may embrace a whole range of activities including processions), pop festivals and sporting events are examples of these. Some events may have a major impact on the lives of the community where they are held; others may be in no sense controversial and cause little or no disruption. Some gatherings may be small, yet because the views propounded are objectionable to others may occasion serious disorder; other larger gatherings, eg for religious or ceremonial purposes, may be acceptable to and indeed welcomed by the community as a whole.

78. It seems clear that if legislation is to be considered, it should be directed to particular problems. The difficulties that have arise in preserving order have in the main occurred as a result of gatherings of one sort or another in the open air. In some cases people have gathered to protest against closed meetings, but the major disorder has occurred outside. Here also public rights, eg of passage and re-passage along the highway, are more directly threatened than by meetings held in halls. There may therefore be a case for considering whether a requirement of advance notice and the powers to lay down conditions and, in the last resort, to ban on public order grounds should apply to assemblies of people in public places in the open air (including the highway). Consideration would have to be given to the sorts of activity which should be exempt from these provisions. They might not apply, for example, to peaceful picketing, though they could apply to large scale demonstrations in support of pickets. Social or recreational events might also be exempt. Another possibility might be to exempt all gatherings under a certain size, or those at recognised 'Speakers'

Corners". The Government would welcome views both on the principle of an extension of controls of this sort and on the practical issues which would be involved. All the questions which have been mentioned in discussion of processions - such as the test for imposing conditions or a ban, the procedure for doing so, and what to do about the spontaneous demonstration-would arise here also. Alternatively, measures might be possible which would fall short of the full range of controls thought appropriate to processions. Again the Government would welcome any views as to these. The Government is in no way committed at present to the view that controls of a more or less extensive character are necessarily desirable.

Meetings in Closed Premises (excluding Election Meetings)

79. It could of course be argued that disorder can occur just as easily at a meeting in a hall as at one in a public square, and that such meetings should similarly be liable to control. A number of questions would then arise. For example, should a distinction be made between meetings in publicly owned halls and those in privately owned ones? Should both private meetings and those to which the public is invited be subject to control? Should the full extent of controls - including for example, the power to ban - be available in relation to meetings? Should there be a power to re-direct meetings to alternative locations? Or should some lesser restriction be imposed? For example, the body letting a room or hall might be required to consult the police where it had reason to fear disorder.

80. Rehearsing these questions underlines the practical problems which any extension of legislation to meetings in closed premises would involve. But there is also a prior issue of principle, which is whether considerations of free speech and assembly mean that no restriction at all should be imposed on such meetings. The Government's preliminary view is that these considerations, together with the various practical difficulties mentioned, rule out any significant extension of controls certainly to private meetings in closed premises and probably to public ones as well. Nevertheless the Government would welcome any practical suggestions for preventing the disorder which may attend these occasions.

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Police Powers

81. Another question which arises in the context of discussion of possible controls on demonstrations and meetings is whether the powers of the police to deal with a disorderly or unlawful assembly are sufficient. The police can arrest individuals for specific offences, such as that in section 5 of the 1936 Act, and they would appear to have a common law power to disperse an unlawful assembly, using reasonable force if necessary. In addition the courts have held that the common law duty of the police to preserve the peace and prevent crime may justify them taking preventive measures, eg. to limit the numbers of people in any one place, where they have reasonable cause to anticipate a breach of the peace. The question arises, however, whether these powers should be strengthened or codified in any way. For example, the police might be given a general statutory power, on the lines perhaps of that in section 24 of the Northern Ireland (Emergency Provisions) Act 1978, to require a gathering of people to disperse if the police consider that the presence of that gathering is likely to result in violence or disorder. (Under the Riot Act 1714, which was repealed in 1967, a magistrate had power to call upon an already unlawful assembly to disperse, but there the purpose was to convert an unlawful assembly into a felonious assembly which had certain precise legal consequences). Another possibility would be to place on a statutory footing the existing common law powers of the police to take reasonable action to prevent breaches of the peace. Either of these steps would apply to any assembly of people, whatever the purpose for which they were gathered together. The associated offence provisions would require further consideration.

82. There may also be scope for clarifying police powers to enter and remain at meetings whether in public or private premises and to control disorder at, and if necessary disperse, such meetings. Much of the existing law depends on court judgements in particular cases. In order to avoid any doubt in future, some codification may be desirable.

(3) ELECTION MEETINGS

83. Ever since tight legislative control on the conduct of elections was effected in the late nineteenth century there has been specific legislative provision for election meetings to ensure that they can be held freely and in suitable premises. The Representation of the People Act 1949 - a consolidating measure - provides that parliamentary candidates may, for the purpose of holding public meetings in furtherance of their candidature, use free of charge school rooms and other rooms maintained out of rates, and that local election candidates may use school rooms. Certain expenses have to be paid for.

84. The Act does not empower a local authority to refuse the use of a room on the grounds that a candidate's views are likely to be offensive to the community or that the meeting is likely to occasion disorder. It does not empower the authority to offer an alternative venue if a room is available and there is no prior booking, and it does not define what constitutes a "public" meeting.

85. Any proposals for powers placing limitations on candidates' rights in relation to election meetings would need compelling reasons in justification. But it was, of course, an election meeting at Southall that occasioned the violent disorders of 23 April 1979, and there were also serious disturbances in the context of other election meetings held by the National Front during the 1979 general election campaign at Leicester, West Bromwich and Bradford. It is necessary therefore to consider to what extent provisions consolidated in legislation over thirty years ago match contemporary needs.

86. First, should election meetings be distinguished from other political meetings, and continue to attract special protection from the law and to impose special obligations upon local authorities? Or should candidates be left to a greater extent to make their own arrangements as best they can, with fewer statutory entitlements? The contest of parliamentary elections in particular is now so much focussed on national politics and national issues, and is the subject of so much reporting on the national media, that it could be argued that constituency election meetings now serve less purpose in informing the electorate than they did when the existing law was first formulated. On the other hand, it could be argued that candidates still have a democratic right, and indeed a duty, to convey their programme to their prospective constituents, and that not all candidates have the opportunity to make themselves known on the national or regional media.

87. If election meetings as presently conceived are to continue, where should they be held? In most areas of the country there are only limited private facilities for the holding of meetings. Some public authorities are therefore bound to be involved.

88. It could be argued that public authorities should not have to make a meeting room available to a candidate if they form the view that disorder will ensue; that members of the public, as opposed to party supporters, will have no chance of admission; and that the party's message will be deeply offensive to many local people (the effect of National Front meetings on multi-racial schools is an example).

89. As to disorder, the suggestion has been made that local authorities proposing to make a room available for a particular meeting should be required to consult the police about the venue. If the police then advise, on public order grounds, against using a particular place, would the local authority have to provide an alternative? A provision on these lines would have attractions: it would have enabled the Metropolitan Police, for example, to object to the National Front meeting taking place in Southall town hall last April. On the other hand the suggestion raises a number of difficulties. Would any alternative venue offered by the local authority have to be within the same area for which the election was to be contested (ie parliamentary constituency or local authority ward) or within the same local government area (eg district council or London Borough area)? In many areas would there be a ^{suitable} alternative? Would there be a danger of the local authority in fact having to take decisions on a basis which it would be easy to attack as politically partial? This could lead to litigation and to challenges of election results.

90. One variant might be to extend the existing powers of local authorities (principally district councils) so as to require them to lay down standing general rules relating to the use of particular venues in their areas. These would apply to all election meetings (indeed, if appropriate, to all uses of the halls and rooms) rather than to a specific meeting; and might include, for example, provisions as to the size of meetings which would be accommodated and the number of supervising stewards. Again the local authority might be required to consult the police and perhaps others - such as the prospective users - before promulgating such requirements. But even then the preparation of the general rules would be time-consuming, perhaps quite unnecessarily so, and might be controversial in itself. Moreover, although it might be useful to have the allocation of rooms put on this regular basis, it would not necessarily ease the public order problem. The potential for disorder is not

necessarily related to physical factors such as the size of a meeting. It might also not be easy for the council to operate an effective sanction if the conditions of use were believed not to have been honoured. The actual facts of events, and the responsibility for disorder, at public meetings tend to be disputed and may not be resolved in the courts or elsewhere for a long time after (if at all). On what grounds could a council decide in advance that an applicant did not intend to honour the conditions of use? Would a council be justified in refusing the use of a room to a representative of a party whose organisation had previously misused facilities in other parts of the authority's area - even though different people might have been involved?

Once permission had been given, should it be an offence to seek to prevent an election meeting from taking place? How could this be enforced?

91. As to admission of members of the public, should the meeting organisers have no opportunity to refuse to admit people (which might give unlimited opportunities for disruption)? Should a "public meeting" be defined, and if so how? There is a case for saying that, when privileged access to public rooms at the ratepayers' expense is given to candidates, then the local public should be able freely to attend the meetings or at least that only a proportion of the available places should be taken by imported party supporters. But if there were a quota number of places reserved to members of the public, on what should it be based and how should it be enforced? How could a policeman, or an organiser of an election meeting, decide who is and who is not a resident of the electoral area? How would such an arrangement apply to 'ticket-only' rallies held by the national party leaders during election campaigns?

92. As to the effect on the public, is there any objective standard of judgement available as to which meetings should be prohibited? Should such a proposition be the responsibility of the local authority in whose area the meeting is, or of the public authority who own the meeting room (eg the education authority); or of some other tier of government; or would it be determined judicially on the application of interested authorities or electors? The difficulties in using any criteria other than risk to public order are similar in relation to election meetings as to processions, with the difference perhaps that election meetings are even more fundamental to the democratic process than processions.

93. The difficulty surrounding each of these issues, as well as the fundamental place of election meetings in the democratic process, suggest that it is unlikely that generally acceptable solutions can be found to the various questions posed in the preceding paragraphs. Unless this proves incorrect, the Government's provisional view is that it would be inappropriate to make major amendments to the law for public order reasons in this highly sensitive area.

(4) PROHIBITION OF OFFENSIVE CONDUCT

94. As mentioned in paragraph 22 of this Paper, the Public Order Act 1936 marked a watershed, not only in conferring powers to take preventive action in respect of marches which might occasion disorder, but also in dealing specifically with the conduct of those who deliberately intend in their activities or behaviour to threaten or insult individuals or sections of the community in such a way as to make a breach of the peace likely.

Prohibition of Political Uniforms

95. Section 1 of the Public Order Act 1936 placed a general prohibition on the wearing of political uniforms in any public place or at any public meeting. There is an exemption procedure for uniforms worn on ceremonial, anniversary or other special occasions where public disorder is not likely to be provoked. In England and Wales, proceedings can only be brought with the consent of the Attorney General. The maximum penalty is three months' imprisonment and/or a fine of £500.

96. The section was enacted because the wearing of such uniforms in the 1930s was provocative. In particular, it imported into politics an air of militarisation which was alien to this country; it produced in the wearers an undesirable spirit of cohesive aggression; and political uniforms were associated with movements which on the Continent had led to upheaval of the established order.

97. The problem of political uniforms, however, appears to be rather less common today, except in an Irish context. In 1974, during Irish Republican demonstrations, a number of those participating wore berets, dark glasses and dark clothing. They were convicted under section 1 of the Public Order Act 1936 of wearing political uniforms and the convictions were upheld, on appeal, by the Divisional Court. Subsequently the Prevention of Terrorism (Temporary Provisions) Acts of 1974 and 1976 have created the offence of wearing any item of dress or wearing, carrying or displaying any article so as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation (the only organisations proscribed at present are the IRA and the INLA). In relation to other demonstrations, complaints are occasionally made of National Front supporters wearing Union Jack lapel badges, brown shirts or army-style camouflage jackets. The Government is unaware, however, of any significant evidence to suggest that the

wearing of political uniforms is a general problem at the present time or that the existing law is inadequate in this respect. In the absence of such evidence, no change in the law would seem to be called for.

Prohibition of Quasi-Military Organisations

98. Similar considerations apply to section 2 of the 1936 Act. This created an offence of controlling, managing, organising or training an association of persons for the purpose of usurping the functions of the police or the armed forces or for the use or display of physical force in promoting any political object. In England and Wales, prosecutions can only be brought with the consent of the Attorney General and the maximum penalty on conviction on indictment is two years imprisonment and/or a fine. The section confers on the police powers of search and seizure in investigating possible offences. It also includes a saving for stewards employed to preserve order at public meetings held on private premises.

99. The wording of the section clearly reveals its origins - the Mosleyite disturbances of the 1930s. In 1936 it was considered necessary to reinforce the provisions of the Unlawful Drilling Act 1819 and the associated common law to prevent both by Fascists introducing foreign militaristic methods into this country and their opponents copying those methods in order to meet violence with violence. The problem is less immediate now than it was in the 1930s. Nevertheless, it can be argued that the section is still needed to provide a safeguard against resort to militaristic methods. On this ground, there seems no need to change either the present provisions or penalties.

Offensive Weapons

100. Section 4 of the Public Order Act 1936 makes it an offence ^{for anyone} to have with him otherwise than by lawful authority, any offensive weapon while present at any public meeting or procession. Section 7(3) of the Act empowers the police to arrest for this offence without warrant. A more general provision in relation to offensive weapons is contained in the Prevention of Crime Act 1953. This makes it an offence for anyone to have with him in any public place any offensive weapon without lawful authority or reasonable excuse, the existence of which he himself is required to prove. Again the police are able, in certain circumstances, to arrest people for this offence without a warrant.

101. It is possible that problems may arise where demonstrators carry ostensibly innocent items, such as pointed flag poles, which might later be used offensively against the police or others. In paragraph 132 of the Red Lion Square report, Lord Justice Scarman considered a proposal that the police might be given

power to order that any article which, in the opinion of a police officer, was likely to provoke a breach of the peace should not be carried or worn by any person taking part in a procession. Lord Scarman declined to endorse this proposal on the ground that such a power might tend to provoke confrontation between the police and those demonstrating. On the other hand, it could be argued that the balance of advantage in preserving the peace might rather lie in granting the police this power. An alternative approach might be to include power to impose conditions, eg as to the construction of banners, in any wider police power to impose conditions on events, and to empower the police to confiscate any articles which contravened their conditions. The Government would welcome views on whether there is any case for extending police powers in this context to take preventive action in relation to offensive weapons. It seems clear that, where disorder actually occurs, the combination of the existing statutory provisions mentioned earlier and the common law duty of the police to prevent breaches of the peace would already give them any necessary powers.

Threatening, Abusive or Insulting Words or Behaviour

102. Section 5 of the 1936 Act, as amended, provides that any person who in any public place or at any public meeting uses words or behaviour or distributes or displays material which is threatening, abusive or insulting with intent to cause a breach of the peace, or whereby a breach of the peace is likely to be occasioned, is guilty of an offence. The offence, which carries a power of arrest without warrant, is triable summarily with a maximum penalty of 6 months' imprisonment and /or a £1,000 fine.

103. Section 5 (together with section 51 of the Police Act 1964 and section 41 of the Police (Scotland) Act 1967 - the offences of assaulting or obstructing a police officer in the execution of his duty) is essential to the ability of the police to preserve order at public demonstrations. It has sometimes been suggested that the ambit of the section should be extended, but it is difficult to see how this could be done without bringing in behaviour or words which should not properly be regarded as criminal. On the other hand, the provision could not be restricted without undermining the basic ability of the police to preserve the peace. The Government therefore sees no need to change this provision.

Incitement to Racial Hatred

104 Section 70 of the Race Relations Act 1976 inserted a new section, section 5A, into the Public Order Act 1936. The section made it an offence for any person

to publish or distribute written matter or to use in any public place or at any public meeting words which were threatening, abusive or insulting in a case where hatred was likely to be stirred up against any racial group in Great Britain by the matter or words in question. It altered the previous law in that it was no longer necessary, as it had been under section 6 of the Race Relations Act 1965, to prove that the accused intended to stir up racial hatred. It did not, however, confer any powers to ban demonstrations or meetings by racialist organisations.

105. The intention of the section was to overcome some of the criticisms levelled against section 6 of the 1965 Act, which had been described by Lord Scarman in his Red Lion Square report as "an embarrassment to the police" and "useless to a policeman on the street". The section added by the 1976 Act was, however, far from uncontroversial. It was (and still is) argued that the removal of subjective intention to incite racial hatred is undesirable, arbitrary and contrary to the fundamental principles of British law. On the other hand, it is argued that, where serious consequences may ensue, the law is justified in penalising irresponsibility, just as section 5 penalises action which is likely to cause a breach of the peace as well as action intended to provoke such a breach.

10.6. Since section 5A came into force in 1977, fifteen people have been prosecuted for incitement to racial hatred or conspiracy to incite racial hatred or both. Nine were found guilty of incitement to racial hatred. One defendant was found not guilty of incitement to racial hatred but guilty of a related charge. In four most recent cases, all six defendants charged with incitement to racial hatred were found guilty, although in respect of two defendants an appeal against conviction is pending. The sentences passed by the courts have included 4 months imprisonment in one case and 9 months imprisonment (reduced on appeal from 15 months) in another.

10.7. Notwithstanding these figures, it has been argued that the present provision is still largely ineffective, and in particular that it does not catch activities which cause grave offence to the ethnic minority communities. Criticisms have been directed against it on a number of grounds. For example, it is argued that, in requiring evidence of threatening, abusive or insulting language likely to stir up racial hatred, the section imposes too stringent a test; and that, in practice, it remains possible for racist organisations to cause grave offence to ethnic minority communities, while still keeping their activities just within the law.

10.8. The section is also criticised because it does not confer on the police a power of summary arrest; though conduct which requires immediate action by the police seems likely to be of a character which would render those concerned liable to arrest in any event, for conduct likely to cause a breach of the peace. Further it is alleged that the requirement of the Attorney General's consent to prosecutions in effect precludes proceedings other than in respect of the most blatant offences. There has also been criticism that the provision does not extend to broadcast programmes and of the exemption for material distributed to members of an association.

10.9. Suggestions have been made that the scope of this provision should be extended to catch the expression of certain highly objectionable views*.

* An example of such a suggestion is a proposal recently put forward by the Ealing Community Relations Council. This is that section 5A(1) of the Public Order Act 1936 should be replaced by the following provision:

"A person commits an offence if, having regard to all the circumstances, he either stirs up hatred against, or advocates any discriminatory policy or course of action against any ethnic group in the United Kingdom through

These suggestions raise important points of principle. Two possible justifications might be advanced for such an extension. One is that the views in question were inherently likely to stir up racial hatred. The other is that the views were so objectionable in themselves that their public utterance ought to be made an offence, whether or not, having regard to all the circumstances, such an utterance would be likely to stir up racial hatred. Whatever the justification preferred, a change of this kind would represent a radical departure from the existing law in at least one, and possibly two, major respects. Consideration of the results likely to be provoked by the utterance of the views would cease to be an essential ingredient of the offence. The requirement that the words or matter should be threatening, abusive or insulting might also disappear.

110. There are many ways in which such a provision might be drafted. The suggestion put forward by Ealing CRC (see footnote) illustrates one possible approach. It is difficult, however, to see how the definition of any offence framed on such a basis could overcome two major obstacles. The first is how to find some defensible principle for determining what views should be proscribed in this way. An analysis of the Ealing CRC proposal highlights this difficulty. It seems very unlikely that there would be general agreement that the opinion, the expression of which, beyond all others, should be made a crime should be the

the publication or distribution of any written or printed matter, in any public place, or at any public meeting. It is an offence to advocate the expulsion of any ethnic group from the United Kingdom."

This proposal has received support from other organisations in Ealing and from a number of other community relations councils.

One objection to an amendment in these terms would be that words spoken at any public place or at any public meeting would no longer come within the ambit of the law on incitement to racial hatred. Another would be that, in the case of the first limb of the proposed offence, the prosecution would have to prove, not just that hatred was likely to be stirred up, as required by the present provision, but that hatred had actually been stirred up. These, however, may simply be unintended results of the drafting. Objections of more substance are that the change would make it a criminal offence to advocate racially discriminatory policies or courses of action, or the expulsion of any ethnic group from the United Kingdom (section 31 of the Race Relations Act 1976 makes it a civil wrong to induce, or attempt to induce, a person to do any discriminatory act made unlawful by Parts II and III of that Act); and that unless "discrimination" were defined more precisely it would include acts which are specifically made lawful under the existing law including, apparently, certain forms of lawful "positive discrimination" in the fields of education and training.

advocacy of discrimination. It seems much more likely that groups and individuals would seek to add to, or substitute for, it opinions they might regard as equally or more reprehensible.

111. The second obstacle is more fundamental. Such an extension of the offence would penalise the expression of opinion as such. It would make no allowance for genuine discussion and debate or for academic consideration of such proposals. To single out political proposals for proscription by law, regardless of how they are expressed, and in what circumstances, and of the possible consequences would be a new departure. In the Government's view such a departure would be totally inconsistent with a democratic society in which - provided the manner of expression, and the circumstances, do not provoke unacceptable consequences - political proposals, however odious and undesirable, can be freely advocated.

112. There are, however, alternative possibilities which fall short of such a radical departure and the present review will consider both the scope of section 5A and its purpose. Given the existing provision for preserving public order, is it necessary or desirable to have a criminal offence that aims to prevent the use of spoken or written words which incite hatred against racial groups and thereby directly provoke disorder? Or should the objective be to prevent the use of language or behaviour which incites or is intended to incite hostility against racial groups, which could lead to subsequent, though not immediate, disorder or to criminal activity directed against members of racial groups? Should the offence be extended to words which could create racial disharmony, either with or without regard to the likelihood of subsequent actions; if so, should provision be made to safeguard fair and reasonable comment as well as, for example, the publication of the results of academic or medical research? It seems doubtful whether a provision could be drafted that would prevent damaging language and behaviour and would not encroach on the democratic right to express even unpalatable ideas nor present serious problems of enforcement for the police. The Government would welcome views on these complex and difficult questions.

THE LIMITS OF THE LAW

113. This Paper has concentrated so far on possible changes in the law and how they might assist in ensuring that rights to demonstrate are preserved while the peace is maintained. But it would be wrong to assume that changing the law is necessarily the only way to secure a better balance between the interests of demonstrators and those of the rest of the public.

114. There are in fact limits to how far the law itself can reduce or avert disorder. It is arguable that the existing law is deficient in failing to give adequate powers to enable the authorities to prevent disorder before it occurs and that it can be improved. But no amount of tightening of the law - short of draconian measures unacceptable in a democracy - can guarantee the prevention of all disorder. If there are those who seek violence and confrontation, they are unlikely to be prevented by changes in the law from having it. What the law can do, however, is to clarify individuals' liberties and obligations, and to give the authorities sufficient powers to try to prevent disorder before it occurs and to cope effectively with it if it nevertheless breaks out.

115. In the end, the avoidance of disorder depends on the willingness of us all to observe the law. Lord Justice Scarman has observed that British policing of public order envisages a society agreed upon essentials. These essentials include a respect for the law, for the rights of others as well as oneself, and for the lawful actions of the police in carrying out their responsibilities of maintaining the peace and preventing crime. In short, all those involved - demonstrators, those opposed to their views, the rest of the public and the police - have obligations as well as rights.

116. This has two important implications for the way we approach events which pose problems in maintaining order. First there is a clear responsibility on those who organise marches or demonstrations to take sensible precautions to maintain order among their own supporters. A willingness to discuss arrangements for an event openly and responsibly with the police, proper and adequate stewarding, and firm leadership can do much to avoid difficulties. The Government is anxious that any changes in the law should enhance the development of a responsible approach by the organisers of events, including a willingness to steward their own people. Reasonable preventive measures, such as a requirement to give the police advance notice of an event, could help in this respect.

117. Second, it is important that those who wish to demonstrate should know the

extent of their rights and duties under the law and be encouraged early in the organisation of an event to seek an understanding with the police on the practical ground rules by which that event will be run. Neither of these points can be translated directly into the law itself. But it is essential *that* they be kept in mind both when changes in the law are being considered and when they are being implemented. The Government will wish to discuss with chief officers of police the practical steps that might be taken to assist in this respect.

CONCLUSION

118. It is probably inevitable that, when consideration is given to the law relating to marches, demonstrations and meetings, proposals for change tend to imply the need for restriction on the rights of those who wish to organise and take part in such gatherings. The purpose of this Green Paper has been to deal as comprehensively as possible with the difficulties that have arisen in maintaining order and with the various issues about the law that have been raised. It may be that, on consideration, the balance of advantage will be felt, in many instances, to lie in maintaining the present position, even though this may involve some risk of disorder. The rights of peaceful assembly and public protest are worth paying a high price to preserve.

119. On the other hand it is arguable that, while the fundamental principles on which the present law and our approach to enforcing it are based continue to be sound, the present balance in the law between the interests of those who wish to demonstrate and the rest of the public is weighted somewhat too heavily in favour of the former and merits some readjustment. There may be scope for clarifying the law in some respects and for strengthening and extending it in others, particularly in ways designed to help the police to prevent disorder.

120. On this analysis, the argument might run as follows. At present the law contains relatively little - short of the exercise of the ultimate power to ban a march - designed to encourage those who organise marches to take sensible precautions themselves to avoid disorder or to assist the police in preventing it. If the primary purpose of the law is to reconcile the freedom of demonstrators with the interests of the rest of the community, then in practice the law should encourage dialogue and the avoidance of confrontation between demonstrators and the police and other members of the community. In many cases disorder is avoided at present because there is informal consultation

between the police and the organisers of a demonstration. In order to have a better chance of preventing disorder in future there might be a case for formalising this requirement of consultation through a provision for advance notice of processions and perhaps for extending this to at least some static forms of public demonstration.

121. Informal discussion will in most cases lead to ground rules acceptable to all on the basis of which an event can proceed. Where this does not prove possible and there is a risk of disorder, the police might be given a more flexible power than they now possess, linked to a less stringent public order test, to impose conditions on the event in the interests of maintaining order. Only if the imposition of conditions of this sort seemed unlikely to deter disorder would the police be able to apply for a ban on the event. In this way a series of procedural steps might be embodied in legislation designed to achieve at each stage a reasonable balance between the interests of the demonstrators and of the community.

122. This Green Paper has tried to spell out in detail the form possible changes on these lines might take, and their necessary consequences and also to pose a number of detailed questions which need to be answered if such changes were to be implemented, or if more extensive changes were to be seriously contemplated. In the end it is only by doing this that the balance of advantage to the community of legislation, and how any legislation might best be framed, can be assessed. Before reaching final conclusions the Government would therefore welcome views on the issues discussed or on other relevant points. Comments should be sent in writing before 30 June 1980 to:

The Secretary
Review of the Public Order Act 1936 and Related Legislation
Room 644
Home Office
Queen Anne's Gate
London SW1H 9AT

Telephone enquiries about the submission of comments may be made by ringing (01) 213-6249 or (01) 213-5345.

Comments or enquiries on specifically Scottish aspects should be addressed to:

The Secretary
Division IB/2
Scottish Home and Health Department
Room 3/09
New St Andrew's House Edinburgh EH1 3TF (Telephone: (031)556-8400 x 4667)
Home Office
London SW1
Scottish Office
Edinburgh

[April 1980]

REGULATION OF PUBLIC PROCESSIONS IN SCOTLAND

1. In many parts of Scotland the general powers of the Public Order Act 1936 are supplemented by the following local provisions:

(a) Section 385 of the Burgh Police (Scotland) Act 1892 (as amended) provides that, within the former burgh areas, islands and district councils may make by-laws and issue notices and orders prohibiting or regulating public processions. This Act did not apply to the former cities and landward areas. The circumstances in which a council may exercise these powers are not specified, but it has recently been held by the ^{as to} Court of Session that the provision is general both as to its terms and the grounds on which an order can be made and that therefore an order can be made under that provision in the interests of public order: it was not affected by the provisions of the Public Order Act 1936.

(b) Within the area of the former City of Edinburgh, the Edinburgh Corporation Order Confirmation Act 1967 gives the district council substantial powers whereby it can make an order to ban any particular street procession, or in the interests of public safety and order make any necessary order to prescribe the time and route of a procession. There is a saving for public or ceremonial processions regularly held and to act in contravention of an order constitutes an offence. In addition the Act requires the organisers of every street procession to give notice to the council not less than seven days in advance. As in the 1892 Act, the circumstances in which the district council may prohibit a procession are not specified.

(c) Broadly similar powers are available to the district councils within the areas of the former Cities of Aberdeen and Dundee.

2. In their review of existing local provisions the Working Party on Civic Government recommended that the Edinburgh Act should serve as a model for new legislation applying throughout Scotland. The relevant local authority should be the district or islands council which should have power, after consulting the chief constable on any application for a public procession to be held, to make an order either prescribing date, time and route or prohibiting the holding of the procession for up to 3 months. The exception relating to regular public or ceremonial processions should be maintained as should the requirement for 7 days advance notice (but without prejudice to the council's discretion to authorise

a procession at shorter notice). Provisions along these lines should take the place of the provisions of the Public Order Act 1936 as well as those of the Burgh Police Scotland Act and local acts.

3. The existing Scottish local provisions are well accepted by the communities they serve and have largely provided a framework within which the local authorities, the police and the organisers of processions usually have reached amicable agreement. They allow the elected representatives of the community to regulate individual public processions in the general interests of the community without having to satisfy the stringent test of "serious public disorder" required by the 1936 Act. In the Government's view there is a strong case for allowing this well-established Scottish legislation, suitably modernised, to continue in force side by side with the provisions of the 1936 Act, amended in the light of the current review.

4. The Government hopes soon to bring forward a Civic Government (Scotland) Bill to replace the Burgh Police (Scotland) Acts and other local provisions, which will otherwise expire at the end of 1982. To allow as much opportunity as possible for public discussion of the contents of the Bill, the Government intends to publish it first in draft within the next few weeks. This draft Bill will include provisions on public processions broadly along the lines recommended by the Civic Government Working Party. There will however be a number of significant differences:

- the responsible authority will be the regional or islands council, not the district council;

- a council who decide to make an order banning a procession will be required to state the reasons for their decision;

- there will be a right of appeal to the Sheriff ^{on certain specified grounds} against a decision to ban a procession and he will be empowered to set aside an order of the local authority. Such a right of appeal seems an essential safeguard, since the Secretary of State's consent will not be required.

5. The Secretary of State for Scotland believes that provisions along these lines would present a continuation of what is valuable in the existing provision and that they would go a long way to deal with such difficulties as have arisen. Most processions in Scotland would be dealt with under these local powers and the Government expects that it would rarely be necessary to make use of the power to ban. If however, following the current review of public order, powers broadly similar to those in the Public Order Act 1936 are continued in force they

might afford the Chief constable, with the agreement of the regional or islands council and the Secretary of State, rather stronger powers to deal with a procession which was likely to give rise to disorder and would provide heavier penalties for those who broke the law. In a matter of such public concern, there seems to be every merit in maintaining the Public Order Act 1936 or its successor in force in Scotland.

6. Since the Civic Government (Scotland) Bill will come forward for consideration at the same time as the review of public order in Great Britain as a whole, the Secretary of State will take full account of the results of the main review of public order issues in reconsidering the provisions in the draft Civic Government (Scotland) Bill.

