



ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND

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Your Ref:

Our Ref: 1077/EG/MP/07

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Mr David Thompson  
Glasgow Commonwealth Games Bill Team  
Scottish Government  
Directorate of Public Health & Wellbeing  
Sports Division  
Victoria Quay  
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HE6 6QQ

**By email:** [david.thompson@scotland.gsi.gov.uk](mailto:david.thompson@scotland.gsi.gov.uk)

Dear Mr Thompson,

## **DRAFT GLASGOW COMMONWEALTH GAMES BILL**

I refer to your correspondence dated 2 July 2007 in connection with the above subject, which has been considered by members of the Operational Policing Business area and can now offer the following by way of comment.

In respect of the Street Trading offences, members agree that there should be a requirement on the trader to display the necessary authority to trade, and failure to display such authority, whether by way of identification card, certification of authority etc, should be an offence.

In Section 21(1), which refers to the power to enter and search, it is noted that the term '*any place*' is not defined and therefore the phrase '*any place that can only be entered through a house*' may be open to confusion and misinterpretation.

There is also no reference in Section 21 to motor vehicles or trailers. It would be necessary to give the police the power to stop a vehicle suspected of being used in the commission of games offences. The act is also silent in respect of the search of a vehicle or trailer and the power to search a caravan for example, is dependent on it being used as a separate dwelling.

There is no power in the proposed legislation for enforcement officers or police officers to stop and search an individual suspected of committing games offences. This would be necessary to respond effectively to any reports of games offences being committed.

Section 21(1)(b) empowers enforcement officers to take '*appropriate*' action to enforce a games offence, including the destruction of an infringing article. This exceeds the powers normally given under similar type legislation.

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In terms of Section 21(1)(c) clarification is required on exactly what information a person would be required to provide to enforcement officers e.g. name, age, date of birth, address.

In Section 21(4), it should clearly state that a warrant is required to use reasonable force to gain entry. The section also states that the enforcement officer cannot authorise another person to use reasonable force against an individual, which implies that an enforcement officer can. The section should clarify that the enforcement officer cannot use force against an individual.

In Section 21(5), an enforcement officer is required to ensure that, where force has been used to enter any premises, then reasonable steps are taken to re-secure those premises. The enforcement officers would presumably have to wait at the premises until they could be secured, however they have no statutory duty to protect property or to prevent any unlawful entry to those premises. It should not be the responsibility of the police to remain at premises that are insecure as a result of actions between enforcement officers.

Members note that there is no reference to any power of arrest in respect of games offences, either by enforcement officers or police officers. This requires clarification particularly in respect of Section 26 Obstruction offences.

The Bill refers to enforcement officers and Section 27 states that nothing in the act affects the powers of the police in relation to games offences. It may be necessary to clearly state within the legislation that, where the term '*enforcement officer*' is used, this also refers to police officers, whether in uniform or not.

In terms of Section 31(2) the consultation should also include the local police force for the area in which the transport plan affects.

This legislation will give enforcement officers considerable powers and it is therefore essential that they receive the appropriate levels of training to ensure they carry out their duties safely and effectively. The Police may, in due course, have a key role to play in the delivery of that training.

The matter of the reporting mechanism for games related offences to the Procurator Fiscal is also an area that will have to be carefully examined and a range of protocols agreed.

Although the enforcement of the offences will be, in the main, the responsibility of the designated enforcement officers, it is clear there will be an impact on the police across a range of issues.

I trust that the foregoing is of assistance to you.

Yours sincerely



Harry Bunch  
General Secretary

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