



## Scottish Police Authorities Conveners Forum

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Chair Cllr Paul Rooney  
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Sent by e-mail to: [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 of 2 July 2007 relative to the consultation on the above Draft Bill. The Conveners have now considered the consultation document and I have been asked to forward the following comment to you.

Should Glasgow succeed in winning its bid to host the 2014 Commonwealth Games, the Conveners recognise the commitment given by the Scottish government to put in place legislation to prohibit ambush marketing, attract private investment and to protect the revenue base of official sponsors. We recognise that the Bill seeks to fill the gaps in current legislation and can support its aims in principle.

We note that the Bill seeks to introduce new offences in relation to: Advertising; Outdoor Vending; Ticketing; and Enforcement (by the creation of enforcement officers). Again, we can support this introduction of 'new offences' in principle, however there are a number of concerns regarding that section of the Bill dealing with 'Enforcement'.

It is noted that on page 4, paragraph 16 of the consultation document that, '*It is intended that the Enforcement Officers .... and are likely to be Local Authority employees*'. While this may see the utilisation of, for example, Trading Standards Officers on secondment it does not exclude the possibility of non-local authority enforcement officers being directly employed for the duration of the games.

There is real concern in regard to the enforcement powers being available to the enforcement officers:

Section 21(1)(a) & (b) – allows an officer **to enter and search any place** (other than a house, or place that can only be entered by a house – section 24 (1) etc.), **without any need for a judicial warrant**. Thereafter, in the enforcement of a Games offence may seize, conceal or destroy anything believed to be an infringing article.

Section 21 /

(2)

Section 21(1)(c) – **Require** any person to provide such information as the officer considers appropriate for the purposes of enforcing a Games offence'. Clarification would be required here to ensure that the 'rules of evidence' were being properly adhered to in the procedures being adopted to bring any alleged offences before the court.

Section 21(4)(a) & (b) – 'An enforcement officer may use, or authorise the use of, reasonable force when taking action under this section only if-

(a) the sheriff has authorised the use of reasonable force, or

(b) the officer believes that there is a real and substantial risk that delay in obtaining authority would defeat or prejudice the purpose of taking action.

*But an enforcement officer must not authorise another person to use reasonable force against an individual'.*

**These are significant powers equalling that of police officers, and in respect of section 21(1), possibly exceeding them in terms of the police conducting routine investigations. The latter statement intimating that an officer cannot 'authorise' another person to use 'reasonable force against an individual' implies that the officer can. Would this be an open authorisation for any enforcement officer, or only those specifically named on a judicial warrant?**

The concerns expressed by the Conveners fall into the following observations of the Bill;

(a) If it is accepted that any person could be employed and designated as an Enforcement Officer (section 20 (1) & (2)), the Bill provides no indication of pre – employment background checks, or of what would be considered appropriate training.

(b) Police officers are ordinary individuals vested with extraordinary powers over their fellow human beings. To counterbalance the exercise of their powers, in terms of complaints or allegations of wrongdoing from the public, there are systems enshrined by statute that identify procedures put in place for public protection. Indeed, police authorities have a specific statutory duty imposed upon them to ensure that police forces correctly deal with complaints or allegations against police officers.

While section 25 of the Bill deals with 'Compensation and recovery of costs' from the Organising Committee, in giving enforcement officers these considerable powers, the identification of systems being in place to respond to public complaints, or allegations of misuse of authority, do not seem to have been considered.

The Conveners do support the principles of the Bill, and see them as a necessity, however in relation to the section on 'Enforcement', they believe that in consideration of the above there is a real need to further review the allocation of powers and proposals for enforcement.

I trust that this information will be of assistance to you.

Yours sincerely,

**David Higgins**  
Secretary  
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