



In mid-2010, Mark Singleton (on behalf of SceneThat) put a number of questions to the newly formed Coalition Government, at a constituency meeting with the Rt. Hon. Francis Maude MP, Member of Parliament for Horsham, Minister for the Cabinet Office and Paymaster General. Mr. Maude agreed to seek further comment as appropriate from the Home Secretary.

In addition to the questions raised during our discussion, three specific questions were put:

1. On 12<sup>th</sup> January, 2010, The European Court of Human Rights ruled that police powers to use terror laws to stop and search people, under section 44 of the Terrorism Act 2000, without grounds for suspicion violated people's rights under Article 8 of the European Convention on Human Rights. The Home Office lodged an appeal against that decision. Will that appeal now be dropped?
2. Over the past year, ACPO has issued a series of guidelines on the use of anti-terrorism powers. From simple observation, it would appear that these guidelines have singularly failed to have affected a timely change of approach within some Police Forces. This has led to accusations ranging from 'out-of-control' to 'unaccountable'. Why does the Government believe that the Police Reform and Social Responsibility Bill will be any more effective?
3. At least one Police Force has frequently suggested that photographers should carry photo-id. [In a statement released to SceneThat and other media organisations in December, 2009,, City of London Police said: 'Photographers should carry identification where possible and be prepared to answer questions about why they are taking photographs, if they are asked.'] As the Government has signposted the Identity Documents Bill, how do you see the potential disconnect between Government intent and Police implementation being resolved, especially in the light of the previous question?

SceneThat is grateful to the Home Secretary and the Minister for the Cabinet Office for the time taken to respond during what has obviously been a very busy period.



from The Rt. Hon. FRANCIS MAUDE, MP

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Mr Mark Singleton



25 October 2010

I have now received the Home Secretary's comments on the points you raised in correspondence and at our constituency meeting. I enclose a copy of Theresa May's letter which I hope adequately addresses your concerns.

Thank you for your patience as I realise the response was long in gestation.



## Home Office

### HOME SECRETARY

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Rt Hon. Francis Maude, MP  
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Thank you for your letter of 6 July on behalf of Mr Mark Singleton of [REDACTED] about the misuse of counter-terrorism powers. I am sorry for the delay in responding to your correspondence.

The European Court of Human Rights ruling on stop and search powers under section 44 of the Terrorism Act 2000 (*Gillan and Quinton v. The United Kingdom*), became final on 28 June this year, when the Court refused the previous Government's request for a referral of the case to the Grand Chamber. I announced to Parliament on 8 July that I would suspend the use of terrorism stop and search powers that do not require reasonable suspicion. I also made it clear that even if the previous Government's request for a referral of the case had been granted, I would not have pursued that appeal.

I also announced in the House of Commons on 13 July that the Government would carry out an urgent review of counter-terrorism and security powers. The purpose of the review is to look at the issues of security and civil liberties in relation to the six most sensitive and controversial counter-terrorism and security powers and to provide a correction in favour of liberty and freedom. The review is to contribute to wider work on restoring the rights of individuals in the face of encroaching state power and in keeping with the United Kingdom's tradition of freedom and fairness.



The review will consider six key counter-terrorism and security powers:

1. Control orders.
2. Section 44 stop and search powers and the use of terrorism legislation in relation to photography.
3. The use of the Regulation of Investigatory Powers Act 2000 (RIPA) by local authorities and access to communications data more generally.
4. Extending the use of 'Deportations with Assurances' in a manner that is consistent with our legal and human rights obligations.
5. Measures to deal with organisations that promote hatred or violence.
6. The detention of terrorist suspects before charge, including how we can reduce the period of detention below 28 days.

Moving on to Mr Singleton's further points, as announced in the Queen's Speech on Monday 24 May, the Police Reform and Social Responsibility Bill will include proposals to introduce Police and Crime Commissioners. This will be the key to ensuring that greater accountability is at the heart of policing in England and Wales.

The introduction of Commissioners in place of police authorities is the most radical overhaul of policing governance since 1964, replacing bureaucratic accountability with democratic accountability. As outlined in the consultation document launched on 26 July, "Policing in the 21st Century: Reconnecting Police and the People," the public will be able to elect - for the first time - an individual who will provide a visible and accountable link to police priorities and activities. Crucially, this will free the police from the bureaucracy and central guidance generated by Whitehall, Association of Chief Police Officers (ACPO) and other organisations.


At the same time, this Government is equally clear that ACPO has an important part to play and the Home Office will challenge the leadership of the service to take greater responsibility in the areas Mr Singleton has outlined. To this end, ACPO will continue to play a key role in advising the Government, Police and Crime Commissioners and the Police Service on strategy and best practice. The police must be able to decide how incidents are dealt with and resolved and we will look to ACPO to show strong leadership in promoting and supporting the greater use of professional judgement by police officers and staff.

In relation to Mr Singleton's concerns regarding the City of London Police's statement made in December 2009 stating 'Photographers should carry



identification where possible and be prepared to answer questions about why they are taking photographs, if they are asked.' It is for the Chief Officer of each force to ensure that officers and Police Community Support Officers (PCSOs) are acting appropriately with regards to photography in public places. It should be noted the actions and decisions taken by police officers in the course of their duties are operational matters and, as such, are the responsibility of the Chief Officer of the force concerned.

The Government has no plans to introduce any requirement for photographers to carry identification. Let me assure you that people have the right to take photographs in public places for legitimate reasons and the Government will do everything it can to uphold that right.

*Yours ever*  


**The Rt Hon. Theresa May, MP**