



**Matthew Barber**  
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Sir Roger Gale MP  
Co-Chair  
Crime & Policing Bill Committee

2<sup>nd</sup> April 2025

Dear Sir Roger,

### **Additional written evidence**

I was grateful for the opportunity to give evidence to the Bill Committee last week, but I wanted to add a couple of additional comments by way of written evidence that we did not have an opportunity to cover in the oral session.

My points specifically relate to the retail crime provisions (clauses 14-16).

To be clear I think the renewed attention to retail crime is quite correct. Over a year ago I launched a Retail Crime Strategy in Thames Valley. As a result of the work done we have increased reporting, more than doubled charges, focussed on prolific offenders and set up a strategic partnership with retailers across our three counties.

I fear the provisions proposed in this Bill are however at best window dressing.

There are two elements: Clause 16, making shop theft an either way offence regardless of value; and, Clauses 14 and 15 which introduce a new offence of assaulting a retail worker. I accept that both of these are manifesto commitments of the government and will make it in to the final Act. I also accept that I am an outlier with many more people giving evidence to your committee who have been in favour of these plans but nevertheless I wish to highlight the following:

### **Clause 16 – Shop theft an either way offence**

The current legislation means that in most circumstances theft below £200 will be dealt with at Magistrates Court. The idea that below £200 the police do not investigate or prosecute, let alone the courts convict has been described as an urban myth. It is actually a clear message that has been promoted by the Home Secretary herself, despite evidence to the contrary. Many cases of shoplifting below £200 will be investigated by the police, arrests made and charged brought. Magistrates can convict and sentence for these offences and they do. Within current guidance there are also provisions that allow a case to be referred to the CPS for prosecution in the Crown Courts. This helps to deal with prolific offenders in particular.

So what is the problem that the Government is seeking to solve? If it is one of perception, then surely that is a perception in large part of their own making. At the time the changes were brought in it was estimated that it would remove approximately 50,000 cases from the CPS and Crown Courts. I do not know if the Home Office or the Ministry of Justice have made an assessment of the expected increase in cases going to the higher courts, but with the passage of time, increased reporting, and better policing of this crime it does not seem unreasonable to suggest that this proposed legislation could put 100,000 additional cases into an already overheated Crown Court system. In the majority of those cases I would hazard that offenders are likely to receive sentences that could have been delivered more swiftly and cost effectively by magistrates.

I am not suggesting that the proposed law will directly hinder the police in their work or directly lead to worse outcomes, however I can see no likely benefit to come from additional cost and delays being introduced to the system. Shoplifting cases below £200 can and are dealt with effectively by the police. If this is not the case in some areas it should be a matter for operational improvement not for new legislation.

#### **Clauses 14 and 15 – assault on a retail worker**

It is an offence to assault a retail worker. In the same way that it is an offence to assault any member of the public. Indeed current legislation already allows for someone's role as a retail worker to be considered as an aggravating factor when sentencing for assault under other specified legislation.

So will this provide any great protection for shop workers or tougher penalties for criminals? Seemingly not. If someone is convicted under this legislation it appears that the penalties will be the same as for common assault, so the outcome will be unchanged for both victim and offender.

Indeed the penalties for assault on a retail worker are limited which suggests that it is an offence to be used only in the most minor cases. In the case of more serious assaults we would surely expect to see offenders charged with Actual Bodily Harm or even Grievous Bodily Harm. This is clearly the right approach when shop staff have been seriously assaulted, but it then makes a mockery of the new legislation.

One of the arguments made by some for a new offence is that it would allow us to understand the scale of offending. Of course it will not, because if it is only used for common assault causes we will not be able to capture the number of offences against retail workers which are actually more serious.

Indeed there is something of an irony that the Government wishes to introduce Clause 16, specifically because they feel that dealing with shoplifting as a summary only offence sends the wrong message; yet it introduces a new summary only offence for assaulting a shop worker. If either way offences are the government's test of seriousness then they have failed by their own standard.

It is welcome that there is a presumption in favour of issuing a criminal behaviour order (CBO) in Clause 15 of the Bill, however it is still dependent on many conditional sub clauses, including prosecutors making an application. I would like to think that under currently legislation, if all of those criteria were met a CBO would be granted by the court anyway, without the need for this legislation.

In short, I accept that these clauses will pass unhindered into the final legislation, and whilst they may not actively harm outcomes, they will certainly not in my view add any value to the criminal justice system. Parliament should legislate in areas where it is required and necessary, not clutter the statute book with provisions intended to send signals rather than enact change.

Yours sincerely,



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Police & Crime Commissioner for Thames Valley