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Howard League
for Penal Reform



BIG BROTHER WATCH

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By email only

Copied to: Andy Burnham, Mayor of Greater Manchester; Deputy Mayor Baroness Beverley Hughes.

29 July 2022

Dear Chief Constable Stephen Watson, Council Leader Bev Craig, Chair of the Independent Advisory Group,

The Caribbean Carnival of Manchester will take place in Alexandra Park on 13th to 14th August. The Carnival is an opportunity for communities across the city to come together and celebrate Caribbean culture and heritage. In advance of the event, it has come to our attention that Greater Manchester Police (“**GMP**”), alongside Manchester City Council and the Independent Advisory Group, have co-signed a letter directed towards a number of individuals, including children and young adults, advising that they will be refused entry on a number of grounds (the “**Letter**”). These grounds include being “*a member of a street gang*”, “*affiliated to a street gang*”, “*perceived by others to be associated to a street gang*”, “*involved in criminal activity*”, “*arrested at CCOM 2019/2020/2021*”, or “*involved or linked to Serious Youth Violence*”.

The Letter sustains and reinforces systemic racism within the criminal justice system, and in society as a whole. It is well [established](#) the term “*gang*” (for which there is no consistent definition), acts as a dragnet to discriminate and criminalise Black, Brown and minoritised children. This form of over-criminalisation is evident in Manchester, where [approximately](#) 89% of people on GMP’s ‘gun and gang unit’ (also known as ‘Xcalibre’) list are from Black, Brown and minoritised backgrounds. As such, refusing entry to individuals based on their alleged membership of, or affiliation with, a gang is racist and manifestly damaging to the communities for whom this event exists.

Moreover, the Letter's profoundly discriminatory impact is heightened by refusing entry where an individual is "*perceived*" to be involved with a gang. Vague and undefined standards, like perception, are an open-door to racist policing and security provision at the Carnival. For instance, the Home Office's own [figures](#) show that Black people are seven times more likely than White people to be stopped and searched on the basis of "*reasonable suspicion*".

We are deeply concerned by the discriminatory effect of refusing entry based on alleged 'gang' membership, affiliation, or perceived association. It breaches the GMP's and Manchester City Council's equality and human rights-based legal obligations, the Police Code of Ethics and undermines the aims and objectives of the Greater Manchester's Race Equality Panel ("**GMREP**"):

- **Duties under the Equality Act 2010:** Section 149 of the Equality Act 2010 requires public authorities, which includes each of your respective organisations, when exercising their functions to have due regard to the need to eliminate unlawful discrimination and advance equality of opportunity by removing or minimising disadvantages for those with protected characteristics, which include age and race. The policy, as set out in the Letter, could not have been formulated had such due regard been given. Furthermore, implementation of the policy, by allowing for refusal of entry on these grounds, would amount to unlawful discrimination prohibited under the Equality Act 2010.
- **European Convention on Human Rights:** Section 6 of the Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with the Convention. The organiser's requirements undoubtedly violate Article 8 ECHR (right to respect for private life) and Article 11 (freedom of assembly), read in conjunction with Article 14 ECHR (prohibition on discrimination). Policing based on vague and undefined perceptions will inevitably result in racist stereotyping and discrimination against Black, Brown and minoritised communities and their children.
- **Police Code of Ethics:** Standard of professional behaviour number 3 [forbids](#) every GMP officer from discriminating unlawfully or unfairly. This requires officers to uphold the law regarding human rights and equality, treat all people fairly and with respect, and treat people impartially. The negative stereotyping involved in the organisers' focus on gangs and those 'perceived' to be associated with gangs, and the resultant impact on Black and minority people's sense of identity, clearly fails to do so.
- **Aims and objectives of the GMREP:** The GMREP's first aim is to eliminate discrimination. In utter disregard of this objective, the organisers' requirements and GMP's enforcement of them, serves to facilitate and deepen systemic racism. The

GMREP also [state](#) that “Greater Manchester’s cultural heritage and history of community inclusion and social justice” must be “championed”. Instead, the Letter excludes its recipients from their communities and their right to celebrate their heritage.

Given the manifestly discriminatory nature of the Letter, we call on you to retract the Letter and to ensure that the entry policy set out in the Letter will not be implemented at the Carnival. We also request that you provide answers to the following questions:

1. What was the legal basis for the entry policy as set out in the Letter?
2. Who was consulted in advance of the issuance of this Letter?
3. Did your organisations receive legal advice in preparation of the Letter?
4. Did your organisations carry out an equality impact assessment in advance of issuing the Letter?
5. What were the internal processes for authorising the Letter?
6. How many people received the Letter?

Since the Carnival is due to take place in just over two weeks from now, we request an urgent response to the above questions no later than **Friday 5 August 2022**.

We are copying this letter to Andy Burnham, Mayor of Greater Manchester, and Deputy Mayor Baroness Beverley Hughes who leads on Police, Crime, Criminal Justice and Fire.

Yours sincerely,

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