



House of Lords  
House of Commons  
Joint Committee on Human  
Rights

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# Facilitating Peaceful Protest

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## Tenth Report of Session 2010–11

*Report, together with formal minutes, oral and  
written evidence*

*Ordered by the House of Lords  
to be printed 22 March 2011*

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## Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Lord Bowness (Conservative)  
Baroness Campbell of Surbiton (Crossbench)  
Lord Dubs (Labour)  
Lord Lester of Herne Hill (Liberal Democrat)  
Lord Morris of Handsworth (Labour)  
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Mr Richard Shepherd MP (Conservative, *Aldridge-Brownhills*)

### Powers

The Committee has the power to require the submission of written evidence and documents, to examine witnesses, to meet at any time (except when Parliament is prorogued or dissolved), to adjourn from place to place, to appoint specialist advisers, and to make Reports to both Houses. The Lords Committee has power to agree with the Commons in the appointment of a Chairman.

### Publications

The Reports and evidence of the Joint Committee are published by The Stationery Office by Order of the two Houses. All publications of the Committee (including press notices) are on the internet at <http://www.parliament.uk/jchr>

### Current Staff

The current staff of the Committee is: Mike Hennessy (Commons Clerk), Rob Whiteway (Lords Clerk), Murray Hunt (Legal Adviser), Angela Patrick (Assistant Legal Adviser), Lisa Wrobel (Senior Committee Assistant), Michelle Owens (Committee Assistant), Claudia Rock (Committee Assistant), Greta Piacquadio (Committee Support Assistant), and Keith Pryke (Office Support Assistant).

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## Summary

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In this Report we make available the evidence we have taken on the policing of recent protests and preparations for the imminent Trades Union Congress (TUC) March, 'the March for the Alternative', on 26 March. The Committee took evidence from representatives of student bodies, the Metropolitan Police (on two occasions), Her Majesty's Inspectorate of the Constabulary (HMIC) and the TUC at two meetings in December 2010 and March 2011.

In our Report we consider and make recommendations on the role of the police, the role of HMIC and the role of protest organisers in the context of how to ensure that the policing of protest respects human rights and in particular facilitates the right to peaceful protest.

### **The TUC March for the Alternative, 26 March 2011**

We welcome the high level of cooperation we saw between the Metropolitan Police and the TUC in planning for the demonstration of 26 March, as well as the planned involvement of independent human rights advisers in the control room during the demonstration itself. We hope this example of good practice will become general practice in the future.

### **Communications**

We heard from our witnesses that effective and proactive communication between the organisers of protests and the police was critical for the 'no surprises' approach to policing of protest. Good organisation between police and protestors should be established at the planning stage and carry through to the protest itself.

We welcome the Metropolitan Police's communication with protestors through both social media and leaflets tailored for the demonstration in question. We recommend that organisers of protests have arrangements in place to communicate with protestors, including about changes to the route of a march. They should make appropriate use of social media in order to communicate these messages effectively. We also welcome plans for the police to be in radio contact with stewards at the forthcoming march on 26 March.

### **Containment**

We heard much evidence about the use of containment or "kettling" as a tactic during the policing of the student demonstrations in November and December last year. We found that there was a lack of clarity about what level of violence must occur before containment or "kettling" is resorted to. In our Report, we express concerns about the lack of opportunity for the peaceful and vulnerable to leave the containment and the lack of information provided about how to leave. There remains considerable room for improving understanding of front line officers of the ACPO guidelines on the use of the tactic and we look forward to hearing practical proposals for how to ensure the guidance is translated into action on the ground.

### **Force**

Some concerns were raised by HMIC about police training on the use of force and we were pleased to hear that the Metropolitan Police have changed their training on the use of force.

We were, however, surprised to find that no specific guidance setting out circumstances in which the use of the baton against the head might be justifiable and recommend that such detailed guidance about the use of batons be drawn up, and that in the meantime training reflects this concern.

### **Lessons learned**

We agree with HMIC that the lessons to be learned from events must be extracted very quickly and assimilated by those on the ground. The system for doing this needs to be more nimble than the current system of policy reviews.

# 1 Introduction

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## Introduction

1. The main purpose of this short Report is to make available the evidence we have taken about the policing of recent protests and preparations for the imminent TUC March. We took the evidence with a view to identifying the most important lessons to be learned from recent protests and to feed those lessons into preparations for protests to come.

2. On 14 December 2010 we took evidence from Aaron Porter, President of the NUS, and Simon Hardy, Spokesperson for the National Campaign against Fees and Cuts; and from DC Allison of the Met Police and Sue Sim, ACPO lead on Public Order and Safety. On 1 March 2011 we took further evidence from Nigel Stanley, Head of Communications, and Carl Roper, Head Steward for the 'March for the Alternative', the Trades Union Congress; Jo Kaye, Assistant Inspector, Her Majesty's Inspectorate of Constabulary (HMIC); and Lynne Owens, Assistant Commissioner, and Commander Bob Broadhurst, Head of Public Order, the Metropolitan Police Service. We thank these witnesses for their evidence. We also wrote to the Metropolitan Police with a number of detailed questions following the first evidence session and received a very full and helpful response which is attached to this Report.<sup>1</sup>

## Human rights, policing and protest

3. Our particular interest is the extent to which the policing of protest in practice respects human rights. The policing of protest engages a number of human rights and freedoms. Most obvious are the rights to freedom of expression and peaceful assembly, which are both recognised as fundamental by the common law and protected by Articles 10 and 11 of the European Convention on Human Rights (ECHR). Tactics for policing protests also engage a range of other rights protected by both the common law and the ECHR, including the right to life (Article 2 ECHR), the prohibition against inhuman or degrading treatment (Article 3 ECHR), the right to liberty (Article 5 ECHR) and the right to respect for private life, which includes the right to physical autonomy (Article 8 ECHR).

## The role of the police

4. We heard evidence from the Metropolitan Police that it has in some respects changed its stance since the G20 protests so that it is now more facilitative of protest.<sup>2</sup> We welcome this renewed commitment to facilitating protest. We accept that policing public order is a very challenging task, and that in the current climate the police have to deal with various regulatory burdens with diminishing resources, and with the changing profile of protests detailed in the recent HMIC report, *Policing Public Order* published in February 2011. We note in particular the increasing unpredictability of protests which poses particular challenges for the police. We also note that the police's senior leaders welcome scrutiny,

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<sup>1</sup> WE2, p. 17.

<sup>2</sup> See e.g. Q93 (Commander Bob Broadhurst).

accepting that it inevitably produces recommendations which they see as their leadership responsibility to translate into practical guidance for frontline officers on the ground.

## The role of the HMIC

5. The oral evidence we received from HMIC served to emphasise the importance of that organisation's role. *Policing Public Order* is an important report, reviewing progress made against recommendations in two previous HMIC reports (issued following the G20 protests of 2009) and setting out the key challenges for policing protests which have been brought into increasing prominence by the protests of 2010. The report identifies a number of questions which it says require urgent consideration: containment, the capacity of the police to remove problematic groups from amongst peaceful protestors, the ability to filter the vulnerable away from containment zones or possible disorder, information gathering and communication. While recognising the progress made by the police against many of the recommendations from the earlier reports, the 2011 report is critical of the amount of time that is being taken to transfer changes of policy into changes of actual practice and sees better and updated training as key to improving this.

## The role of protest organisers

6. We also heard evidence from organisers of demonstrations about their acceptance of the responsibilities that accompany the organisation of a demonstration and about their attempts to discharge those responsibilities. There is also a duty upon those organising protests to try and ensure so far as they can that the protest is peaceful, well-marshalled and well run. We touch on some key issues for organisers, in relation to communications and stewards a little later in this Report.

## The TUC 'March for the Alternative'—Saturday 26 March

7. **We welcome the high degree of co-operation between the Metropolitan Police and the TUC in planning for the demonstration on 26 March.** We agree with the observations of witnesses that in many respects the planning for this event between the police and the organisers provides a model of good practice. **We hope that this will be reflected in a successful and peaceful demonstration in which all participants feel that they have exercised their democratic right to protest. We also hope that this example of good practice will be followed and generalised in the future, including, so far as possible, in relation to smaller scale and more impromptu protests than the proposed TUC march.** We do however note that, when we took evidence, neither side had raised with the other the possibility of the need to use containment or "kettling". This was an oversight that ought not be repeated with regard to the planning of future demonstrations. **We also welcome the involvement of expert human rights and civil liberties NGOs such as Liberty in preparations for the TUC March and the plan to involve independent human rights observers and advisers, as well as representatives of the organisers, in the control room during the demonstration itself.**<sup>3</sup>

## Communications

8. Effective and proactive communications between the organisers of a protest and police before major demonstrations is recognised to be one of the most important features of a ‘no surprises’ approach to policing protest. We heard evidence that liaison between police and organisers prior to some of the student demonstrations in November and December had not been as good as it ought to have been. We also heard that communications from the police during the student demonstrations were not very effective in reaching the demonstrators, particularly once the containment/kettle had been imposed. The police recognised the importance of communication and acknowledged that this was a challenge during the demonstrations in question.

**9. We welcome the Metropolitan Police’s development of its capacity to communicate directly with protestors by means of social media such as Twitter, and through the use of leaflets distributed to protestors and tailored for the demonstration in question.**

10. The police were critical of the organisers of the student protests on 9 December for failing to communicate effectively with the demonstrators, including about the route of the march. They provided evidence of officers having attempted to communicate with stewards about the need to keep the march moving, and of stewards being uncooperative and failing to communicate with the protestors.<sup>4</sup> There is an important responsibility on the organisers of protests to communicate with those who are protesting. The proper discharge of this responsibility is an important aspect of facilitating the right to peaceful protest.

**11. We recommend that the organisers of future demonstrations ensure that they have arrangements in place to communicate with protestors during the demonstration, including about the route of the march or any changes to that route, and make the best use of social media to do so.** We also welcome the plans for the police and the stewards at the forthcoming TUC March to be in radio contact during the demonstration, which will enable the police to relay communications to demonstrators through the stewards’ chain of communication, and vice-versa. Good communications between police and protestors should be established at the planning stage and carry through to the demonstration itself.

## Stewards

12. In terms of protest organisers responsibilities, the use of stewards, trained or experienced where possible, is important. We commend the TUC for its detailed plans for the use of stewards during the 26 March demonstration and recognise that this must involve significant cost for the organisation. Not every organisation can call upon a reservoir of trained or experienced stewards, or can train them prior to any protests. However, the importance of the clear provision and identification of sufficient stewards who understand how the protest is to be run cannot be overstated.

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4 Letter from Assistant Commissioner Allison, 24 January 2011, Q2.



## Containment or “kettling”

13. At the first of our two evidence sessions, we heard considerable concern expressed about the use of the tactic of containment or “kettling” at the student demonstrations in November and December last year. The complaints included the length of time for which people were detained within the containment or “kettle”; the large numbers of people affected and the apparently indiscriminate nature of the restrictions imposed; the lack of access to basic needs such as food, water, toilets and in some cases medication; the effect on particularly vulnerable individuals such as the young and the disabled; the lack of communication with the protestors about matters such as the reasons for the use of the tactic, the likely duration and the arrangements for leaving the area; the disregard of factors such as the low temperatures and the age of many of the protestors; and the lack of opportunity for peaceful protestors to cross the police cordon and leave the area. As a result, we heard that demonstrators were “terrified of kettling”<sup>5</sup> which caused “significant anxiety.”<sup>6</sup>

14. We also heard the Metropolitan Police’s account of the use of containment or “kettling” at these demonstrations.<sup>7</sup> Assistant Commissioner Chris Allison of the Metropolitan Police Service, who has responsibility for the policing of demonstrations in London, told us that containment was only used at the 24 November 2010 demonstration after police came under attack. He said that commanders took the view that allowing the demonstration to move on would have led to “widespread damage and disorder”; they ensured that it was necessary and proportionate in the first place and then implemented what they had learnt from the G20 protests. Toilets and water were provided, he told us, access through the lines was given to journalists, and the vulnerable were allowed out. The long duration of the kettle was explained by “fear of disorder”.

**15. We consider it the responsibility of demonstrators and organisers to recognise that failure to protest peacefully will require the police to take action, but there does appear to be a lack of clarity about the level or seriousness of the violence that must have occurred before containment or “kettling” can be resorted to. We are concerned about the apparent lack of opportunity for non-violent protestors to leave the contained or “kettled” crowd, the adequacy of arrangements to ensure that the particularly vulnerable such as disabled people are identified and helped to leave the containment, and the general lack of information available to the protestors about how and where to leave. We consider that there remains considerable room to improve the understanding of the ACPO Guidance concerning containment on the part of frontline officers. We look forward to hearing practical proposals for how to ensure the guidance is translated into action on the ground.**

## Use of force

16. In its 2009 Report, *Nurturing the British Model of Policing*, only one police force (West Yorkshire) was found to be using the correct definition of the term ‘proportionate’ with respect to the use of force in its training materials. The recent HMIC Report found, with

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5 Q5.

6 Q7.

7 Q18.

regard to the use of force, that there is still a very broad range of interpretations within police forces of ‘proportionality’ in this area, from “the minimum required to achieve the legitimate aim” (the correct definition) through to such inaccurate explanations of the term as “corresponding” or “making defensible decisions”.

17. The Metropolitan Police thought that HMIC’s assessment of its understanding of the use of force was “a little harsh”.<sup>8</sup> **We were pleased to hear that the Metropolitan Police have changed their training on the use of force, which now starts off with “a whole first day about the proportionate use of force and the escalation of that process.”<sup>9</sup> We look forward to seeing the training materials on the use of force which are currently being finalised.**<sup>10</sup>

18. The Association of Chief Police Offices’ guidelines on the policing of protest state that during demonstrations batons should only be used in a reasonable and proportionate manner by officers. Specific guidance on the use of batons is set out in the ACPO Manual of Guidance on Keeping the Peace.<sup>11</sup> It states that “the level of force should be reasonable and proportionate (*i.e.* the minimum required to meet a lawful objective). However, **we were surprised to find that there appears to be no specific guidance setting out the circumstances in which the use of the baton against the head might be justifiable. The human rights requirement that the use of force be proportionate requires operational guidance to frontline officers which deals directly with this issue. We recommend that such detailed guidance about the use of batons be drawn up, and that in the meantime training reflects this concern.** The use of horses in some of the demonstrations of November and December 2010 was controversial and claims were made about horses “charging” which were challenged by the police in their evidence to us. This is an issue which we hope to look at in more detail in the future.

## Undercover officers

19. On a broader point, **in the light of recent public concern about the use of undercover police officers in peaceful protest movements, we asked the Metropolitan Police to confirm that undercover police officers are not being used in the trade union movement.** We understand the considerable public benefits that can be obtained by the appropriate use of properly authorised covert intelligence gathering within a proper regulatory framework. We also understand the important need to protect the safety of legitimately deployed undercover officers. **The response to our questions was that the Metropolitan Police are “not in a position to confirm or deny what level of undercover officers will be deployed in the event.”<sup>12</sup>**

## Lessons learned

20. **In its evidence to us, HMIC forcefully argued that the lessons to be learned from events must be extracted very quickly and assimilated by those on the ground. The**

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8 Q99.

9 Q99.

10 Qs 102 and 104.

11 Appendix 1, pp. 106-7.

12 Q106.

**system for doing this needs to be more nimble, compared to the lengthy and arduous process of policy reviews and the formulation of new guidance involving ACPO, HMIC, the National Policing Improvement Agency and individual forces. We agree.** We also sense that in the context of the changing profile of protest, those organising demonstrations will be keen to learn what lessons they can both from the difficult circumstances of the November and December protests and the larger and more diverse TUC demonstration planned for 26 March.

21. The issue of policing and protest within the framework of respect for human rights is an important one for this Committee, and indeed is of vital concern for everyone in a democracy, and we very much hope to return to it in the near future.

## Conclusions and recommendations

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### The TUC ‘March for the Alternative’—Saturday 26 March

1. We welcome the high degree of co-operation between the Metropolitan Police and the TUC in planning for the demonstration on 26 March. We hope that this will be reflected in a successful and peaceful demonstration in which all participants feel that they have exercised their democratic right to protest. We also hope that this example of good practice will be followed and generalised in the future, including, so far as possible, in relation to smaller scale and more impromptu protests than the proposed TUC march. (Paragraph 7)
2. We also welcome the involvement of expert human rights and civil liberties NGOs such as Liberty in preparations for the TUC March and the plan to involve independent human rights observers and advisers, as well as representatives of the organisers, in the control room during the demonstration itself. (Paragraph 7)

### Communications

3. We welcome the Metropolitan Police’s development of its capacity to communicate directly with protestors by means of social media such as Twitter, and through the use of leaflets distributed to protestors and tailored for the demonstration in question. (Paragraph 9)
4. We recommend that the organisers of future demonstrations ensure that they have arrangements in place to communicate with protestors during the demonstration, including about the route of the march or any changes to that route, and make the best use of social media to do so. (Paragraph 11)

### Containment or “kettling”

5. We consider it the responsibility of demonstrators and organisers to recognise that failure to protest peacefully will require the police to take action, but there does appear to be a lack of clarity about the level or seriousness of the violence that must have occurred before containment or “kettling” can be resorted to. We are concerned about the apparent lack of opportunity for non-violent protestors to leave the contained or “kettled” crowd, the adequacy of arrangements to ensure that the particularly vulnerable such as disabled people are identified and helped to leave the containment, and the general lack of information available to the protestors about how and where to leave. We consider that there remains considerable room to improve the understanding of the ACPO Guidance concerning containment on the part of frontline officers. We look forward to hearing practical proposals for how to ensure the guidance is translated into action on the ground. (Paragraph 15)

### Use of force

6. We were pleased to hear that the Metropolitan Police have changed their training on the use of force, which now starts off with “a whole first day about the proportionate

use of force and the escalation of that process.” We look forward to seeing the training materials on the use of force which are currently being finalised. (Paragraph 17)

7. We were surprised to find that there appears to be no specific guidance setting out the circumstances in which the use of the baton against the head might be justifiable. The human rights requirement that the use of force be proportionate requires operational guidance to frontline officers which deals directly with this issue. We recommend that such detailed guidance about the use of batons be drawn up, and that in the meantime training reflects this concern. (Paragraph 18)

### **Undercover officers**

8. In the light of recent public concern about the use of undercover police officers in peaceful protest movements, we asked the Metropolitan Police to confirm that undercover police officers are not being used in the trade union movement. The response to our questions was that the Metropolitan Police are “not in a position to confirm or deny what level of undercover officers will be deployed in the event.” (Paragraph 19)

### **Lessons learned**

9. In its evidence to us, HMIC forcefully argued that the lessons to be learned from events must be extracted very quickly and assimilated by those on the ground. The system for doing this needs to be more nimble, compared to the lengthy and arduous process of policy reviews and the formulation of new guidance involving ACPO, HMIC, the National Policing Improvement Agency and individual forces. We agree. (Paragraph 20)

# Formal Minutes

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**Tuesday 22 March 2011**

Members present:

Dr Hywel Francis MP, in the Chair

Lord Bowness

Lord Dubs

Lord Morris of Handsworth

Baroness Stowell of Beeston

Dr Julian Huppert MP

Mr Dominic Raab MP

Mr Richard Shepherd MP

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Draft Report, *Facilitating Peaceful Protest*, proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 21 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Tenth Report of the Committee to each House.

*Ordered*, That the Chairman make the Report to the House of Commons and that Lord Bowness make the Report to the House of Lords.

*Ordered*, That embargoed copies of the Report be made available in accordance with the provisions of Standing Order No. 134.

Written evidence reported and ordered to be published on 18 January, 1 February and 22 March was ordered to be reported to the House for printing with the Report.

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[Adjourned till Tuesday 29 March at 2.00 pm]

## Declaration of Lords Interests

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### **Lord Bowness**

Close relative of a member of the Territorial Support Group, Metropolitan Police.

### **Lord Morris of Handsworth**

Former President of the TUC.

A full list of Members' interests can be found in the Register of Lords' Interests:  
<http://www.publications.parliament.uk/pa/ld/ldreg/reg01.htm>

## Witnesses

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### Tuesday 14 December 2010

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**Aaron Porter**, President of the National Union of Students and **Simon Hardy**, Spokesperson for the National Campaign against Fees and Cuts Ev 1

**Assistant Commissioner Chris Allison**, Metropolitan Police Service and **Temporary Chief Constable Sue Sim**, Northumbria Police, ACPO lead on Public Order and Public Safety Ev 6

### Tuesday 1 March 2011

**Nigel Stanley** and **Carl Roper**, Trades Union Congress Ev 12

**Jo Kaye**, Her Majesty's Inspectorate of Constabulary Ev16

**Assistant Commissioner Lynne Owens** and **Commander Bob Broadhurst**, Metropolitan Police Service Ev19

## List of written evidence

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- 1 Letter from the Chair, to Assistant Commissioner Allison, Metropolitan Police Service, 20 December 2010 p 16
- 2 Letter to the Chair, from Assistant Commissioner Allison, Metropolitan Police Service, 24 January 2011 p 17
- 3 Letter from the Chair, to Rt Hon Theresa May, Home Secretary, 12 January 2011 p 34
- 4 Letter to the Chair, from Rt Hon Nick Herbert MP, Minister of State for Policing and Criminal Justice, Home Office, January 2011 p 37



# Written Evidence

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## 1. Letter from the Chair, to Assistant Commissioner Allison, Metropolitan Police Service, 20 December 2010

Thank you for providing evidence on 14 December on the policing of the student protests in November and December 2010. I am writing to follow-up on a number of issues, some of which I raised at the end of the session. I have set these questions out below. I would be grateful if you could respond to them by close of play on Monday 24 January 2011.

1. You told us that on 9 December the containment strategy was used on protestors in Parliament Square until around 9pm when the remaining demonstrators were moved to Westminster Bridge. You also told us that containment was used as a last resort after disorder broke out. I would be grateful if you could provide us with more detail on the decision making process, in particular:

- (a) The degree of disorder and the attendant risk to public safety which triggered the decision to use the containment technique;
- (b) How the commanding officer determined that containment was a necessary and proportionate response to that risk;
- (c) Whether advice on human rights issues was taken by the commanding officer prior to making that decision, and/or had the decision-making officer had training on human rights and the right to protest?
- (d) Why it was necessary to contain demonstrators for as long as 7 hours?
- (e) Whether the necessity of the maintaining the containment tactic was regularly reviewed during this time? Can you provide us with evidence to show that these regular reviews took place?

2. You told us during the evidence session that officers communicated with those demonstrators on 9 December who were being contained in Parliament Square including through the use of a “warning and informing” tannoy system. The representatives of the National Union of Students and the National Campaign Against Fees and Cuts told us that communications were not received by all demonstrators.

- (a) Please provide more detail on the “warning and informing” tannoy system used;
- (b) What steps were taken by you to ensure that communications were received throughout the contained crowd, and to facilitate supplementary information being provided by stewards and marshals, if any.
- (c) What were those being contained told by the police about:
  - (i) the reasons for the containment,
  - (ii) the likely duration of the containment,
  - (iii) access to facilities and how to exit the containment? What other information was communicated to the contained demonstrators?

3. During the evidence session Mr Porter of the National Union of Students questioned what efforts had been made by the police to gather information on demonstrators that had caused trouble during the demonstrations on 10, 24 and 30 November and how this information was used to police the demonstrations on 9 December. Can you explain what intelligence was gathered on those expected to be participating on the demonstrations on 9 December and how this informed the policing strategy on this date?

4. The Association of Chief Police Offices' guidelines on the policing of protest state that during demonstrations batons should only be used in a reasonable and proportionate manner by officers. Can you comment on whether the use of batons on 9 December was both reasonable and proportionate and provide evidence for your view? Is there any more specific guidance about how batons should be used, e.g. are there any specific instructions that officers using batons should attempt to avoid blows to the heads of demonstrators?

5. There have been reports that a disabled demonstrator was pulled from his wheelchair by police officers on 9 December. Is specific guidance and training available for officers on the treatment of disabled demonstrators during protests?

6. You described to us an "active advance" made by mounted officers on 24 November to disperse demonstrators, but told us that no such advance was used on 9 December. Can you comment on suggestions that mounted officers approached those contained in Parliament Square on 9 December at a fast pace and explain the purpose of the advance in this case, given that the demonstrators were already contained and so had nowhere to move to?<sup>1</sup> You described the "active advance" as an ACPO-approved tactic. Is there any specific guidance on when and how it should be deployed?

I thank you again for providing evidence to the Committee and encourage you to include any further information you feel would be helpful to the Committee in your reply.

**20 December 2010**

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<sup>1</sup> <http://www.youtube.com/watch?v=qhUTF4hOp8>

## 2. Letter to the Chair, from Assistant Commissioner Allison, Metropolitan Police Service, 24 January 2011

I am writing in response to your letter dated 22 December 2010. In it, you ask me to respond to a number of questions following my appearance in front of the Joint Committee on Human Rights on the 14 December 2010.

The attached twenty five page document (Appendix 1) contains the answers to those questions as best I possibly can, with the information having been pulled together from a large number of the officers' decision logs and such records from the day that time has allowed us to review. I apologise for the length of the document but I feel that it is necessary to be that long to properly answer your questions and provide an explanatory narrative. The Metropolitan Police Service accepts that it is fully accountable for its actions and I hope that the detail that I have provided in the report shows our willingness to fully explain what we do and why we do it. I have also attached other supporting material that is referenced in the document.

As you will see from the document, there are extensive references to the Silver Commander who was the tactical decision maker on the day. Regretfully, he has been on an extended period of annual leave abroad and is not contactable until he returns to work in the second week of February which is after your deadline for a reply. As such, he has not had the opportunity to add any of his comments to the document or to assist in deciphering some of the writing in his logs which is why the word "illegible" appears in two extracts included in the report.

As I said at the beginning of my oral evidence, the student protests at the end of 2010 saw some of the most serious and sustained disorder the MPS had seen at public protest in nearly ten years. I pay tribute to both those officers who worked on the front line and those who commanded them. The MPS fully accepts that people have a right to peacefully protest and will work with the organisers over any such protest. However, violence can never be justified in the name of protest and the MPS hopes that protests in the future are not marred by the disorder and damage that we witnessed in November and December.

### Question 1

1. You told us that on 9 December the containment strategy was used on protestors in Parliament Square until around 9pm when the remaining demonstrators were moved to Westminster Bridge. You also told us that containment was used as a last resort after disorder broke out. I would be grateful if you could provide us with more detail on the decision making process, in particular:

- (a) The degree of disorder and the attendant risk to public safety which triggered the decision to use the containment technique;
- (b) How the commanding officer determined that containment was a necessary and proportionate response to that risk;
- (c) Whether advice on human rights issues was taken by the commanding officer prior to making that decision, and/or had the decision-making officer had training on human rights and the right to protest?
- (d) Why it was necessary to contain demonstrators for as long as 7 hours?
- (e) Whether the necessity of the maintaining the containment tactic was regularly reviewed during this time? Can you provide us with evidence to show that these regular reviews took place?

1. Your question touches on a number of areas that I will address in the following chronological order.

- The availability of human rights advice and/or human rights training available to the Silver Commander

- The degree of disorder leading to the decision to contain the protestors
- The determination of necessity of containment
- Silver's ongoing reviews of the containment tactic
- The duration of the containment

### **The availability of human rights advice and/or human rights training available to the Silver Commander**

2. Across the MPS, human rights (HR) awareness training has been extensive and the fundamental principles that the European Convention (ECHR) and 1998 Act (HRA) seek to protect are firmly embedded in the conscience and actions of this organisation. This knowledge forms the foundation of public order command training.

3. The Silver Commander for this operation is part of the MPS's Public Order Cadre, established to ensure that only the most competent and capable officers are permitted to command these types of operations. The Cadre has an enviable reputation for the quality of the officers who serve on it and the results they routinely achieve.

4. The training of Cadre officers is grounded in a legal framework that includes comprehension and application of HR legislation. There are basically three levels of training that lead to an officer joining the Cadre and then remaining a part of it.

#### Foundation Course for Event and Major Incident Management

5. This is a mandatory course of all officers promoted to the rank of Chief Inspector and those Inspectors responsible for planning operations on London boroughs. Officers aspiring to join the Cadre must have completed this course.

#### Advance Public Order Command Training

6. This is effectively the process for joining the Cadre. Officers apply for selection and are assessed for their suitability. To join the course, they must pass an examination that includes a significant assessment of their HR knowledge, including Articles 2, 5, 9, 10 & 11.

7. The course then consists of 3 separate modules throughout which an individual's knowledge and application of the whole legal framework is continuously tested.

8. The modules continue to be pass or fail and there is an approximately 30% attrition rate on first attempt.

#### Continuation Training

9. Once accepted into the Cadre, officers are required to attend 2 workshops and 1 seminar a year.

10. Additionally, each commander is expected to show operational competence by commanding at least 3 operations a year, the quality of which is objectively reviewed by peers. When they are assessed as experienced enough, they are allowed to command more complex operations.

11. A record is maintained of each commander's operational activity. Since 1999, the Silver Commander for 9 December has commanded at least 351 operations as either Bronze, Silver or Gold. In the calendar year up to 9 December, he had commanded 82 public order events, making him one of the most experienced commanders in the MPS.

12. It is therefore not surprising to find constant references to HR within the documents associated with the student protest of 9 December. Of course, the fact that both the planning of the police response and our subsequent actions are well documented is the first indication of the Silver Commander's awareness of his HR

responsibilities. I would like to give you a sense of Silver's awareness of HR issues from some of the entries in documents he created.

13. Firstly, the Silver Commander produced a planning document that was richly sown with HR considerations. I would cite the following abstracts from the planning document. These are not exhaustive references but give an insight as to how intrinsic HR considerations were to the planning of the whole operation:

*Legal Powers:*

*All legal powers will be considered in accordance with the Human Rights Act, in respect of proportionality, legality, accountability and necessity.*

*While considering tactics I have ensured that the various Bronze Commanders pay particular attention to the various articles within ECHR legislation. They have recorded this in their individual tactical plans.*

*Use of Force*

*ECHR Article 2 controls the use of force, as does ECHR Article 3 and Article 8*

*When extreme or excessive force is used, or where the application of force is maintained for longer than is necessary to achieve a lawful aim, this may constitute a violation of ECHR 3 [...] or ECHR 8 Human Rights*

*I have considered human rights throughout the planning of these event. The tactical plans reflect these consideration as they apply*

*[...]*

*Containment*

*[...] I have ensured that Bronze Commanders are aware of the need to consider, the Right to Liberty, (ECHR Article 5) and that the tactic must be resorted to in good faith, be proportionate to the situation making the measure necessary and not be enforced for longer than is necessary.*

14. Later, in his log of the day's events, Silver continues to demonstrate an awareness of how his decisions might engage with HR considerations and some of this will become apparent in later answers, particularly with reference to proportionality.

15. The Silver Commander had also commanded the demonstrations on 24 and 30 November 2010 and had discussed his decision making at those events with a senior lawyer within the MPS Directorate of Legal Services. As the principle witness in the MPS defence to a judicial review claim arising from the containment of demonstrators in Bishopsgate on 1 April 2010, he is also particularly aware of and familiar with the engagement with human rights issues that is inherent to a public order event of this nature. The MPS Directorate of Legal Services was available on 9 December 2010 to provide advice and guidance as required, and did in fact provide advice in relation to the incursion of demonstrators on to Parliament Square Gardens during the afternoon.

16. The Silver commander also had the use of a Tactical Adviser on the day, who was a specialist public order trainer from the MPS Public Order and Operational Support Unit in Gravesend. In this role, he provides human rights training to officers within the public order context and was therefore particularly able to assist with any human rights considerations that arose.

**The degree of disorder leading to the decision to contain protestors**

17. The earliest recorded disorder occurred at 11.25 when protestors were reported to be climbing statues in Parliament Square.

18. There was a degree of disorder almost from the outset of the march from University of London in Malet Street.

19. The ULU notified march commenced as agreed but at 11.55 a number of persons were reported in Malet Street wearing masks, carrying padded shields and wearing hard hats. At 12.07, marchers in Malet Street began throwing placards at police. Police decided to take a negotiated approach to stop this from happening rather than through enforcement. By this time there were about 2000 people in Malet Street. Intelligence suggested that some people had concealed weapons about them.

20. The next significant event was at about 13.15 when the front of the ULU march started to fight with police and attempted to break away from the main body and deviate from the agreed route. A high level of force was used in this breakout, which required other officers to be drafted in to redirect protestors back to the agreed route. Shortly afterwards, the levels of threat within London started to increase. This included reports of a petrol bomber in the area of Trafalgar Square and the first of many sustained assaults against police formations. At 1507 a man was reported to be in Parliament square with a firearm although this was never substantiated by arrest or seizure of the weapon.

21. Up to 15.23 hours, the time at which Silver directed a full containment of Parliament Square, there are over 40 incidents of violent or disorderly behaviour recorded in the main bronze command logs.

22. The following are key entries taken from Silver's public order decision log (rationale in brackets taken from the right side of log):

*13.18 Bronze 4 asks: Does Silver want the march contained. Silver states not at this time. Let them continue on prescribed route. (Containment at Trafalgar Square—decision not to be attempted at this time. Rationale: [...] The containment tactic is one of last resort and at this time, although there have been some outbreaks of violence, the march is sticking to its route. I have fortified Parliament Square itself to prevent incursion, and therefore will allow protestors to continue on agreed route at this time.)*

*13.37 Bronze 9 informed that march entering P. Square*

*13.48 To Bronze 5.2. Request for demonstrators to be encouraged into Whitehall as the blockage in P. Square is causing safety issues. (Encourage march to move out of Parliament Square. Rationale: March has stopped in Parliament Square at junction with Whitehall/Parliament Street/Great George Street. This is causing those at the back to bunch up and (illegible) on those at the front. The agreed route is up Whitehall and then into Victoria Embankment.)*

*13.56 (Lockdown all VPs (vulnerable premises)—rationale—subjects been moving away from march and route. I do not want unlawful building incursions and damage and fear a breach of the peace.)*

*13.59 (Officers to withdraw to secondary line across front of Parliament. Rationale for this—The numbers on the march is 15–20,000 people. The front of the march is static and there is some disorder. The pressure being put on the demonstrators and police lines is now getting dangerous. Bronze 2 and I have agreed a contingency in the event of this happening. This will be officers withdrawing back to secondary lines at Broad Sanctuary and Victoria Street. This allows the protestors both sides of Parliament Square and will relieve pressure.)*

*14.06 (All officers to wear full protective equipment. Rationale: violence being offered is now very extreme. Missiles, including flares, have been thrown. The "protestors" have broken down the Heras fencing around the grass area of Parliament Square.)*

*14.08 Silver meeting [...] Tactical plan discussed re Parliament Square Cordons: Great George Street, Broad Sanctuary. Not a containment. Exit via Whitehall. (Cordons at locations to prevent entry into POW—cordons in place preventing people in Parliament Square from entering POW. I have left*

*Whitehall open as this is the agreed route out and onto the rally. Officers to encourage people to leave via this exit. The cordons are in place to prevent a breach of the peace at POW and to maintain the democratic process of Parliament.)*

*14.16 Fencing being used as a weapon.*

*14.22 St Margarets Church next to Westminster Abbey damaged.*

*14.47 Meeting with Gold: Tactics discussed re dispersal. Will wait until after vote.*

*14.51 Bronze 4.2—Large group heading north in Whitehall. Silver—establish where they are going. OK—Embankment—Victoria.*

*15.08 Churchill statue damaged by students.*

*15.11 Decision made not to go into crowd in Parliament Square at this time. (Not to enter Parliament Square and protect statues—Rationale: Numbers involved in violence are very high. 1000 seen to move from cordon line to cordon line. Information re missiles are they are concrete, snooker balls and such like. These could easily kill. Also information re possible firearm. At this time, entry will only be made if life at risk not to protect property at the expense of police officers getting seriously injured.)*

*15.12 Victoria Street cordon breached. Small number break through. Cordon back in, Missiles thrown, including flares.*

*15.15 Federation: yellow jackets not flame proof. Silver: message to all bronzes. Yellow jackets to be removed.*

*15.18 More flares used. Police being attacked from behind.*

23. These entries show a progressive and systematic escalation of violence on police, a number of hours before the Parliament Square containment was implemented. The level of violence was way above simple pushing and shoving that might be expected from a large crowd. I would highlight the deliberate destruction of fencing, protecting the grassed area of Parliament Square that was used to attack police across the barriers erected to protect the Palace of Westminster (PoW). The throwing of flares could have resulted in serious burns and the variety of other missiles could and did injure officers and protestors alike.

### **The determination of necessity of containment**

24. The above extracts demonstrate the level of violence faced by police and indeed, those who wished to protect peacefully.

25. In the face of these events, Silver decided that the containment of Parliament Square was necessary at 15.23; his log again captures his rationale.

*Silver meeting with Gold. Containment discussed. Due to serious offences being committed. People allowed to leave if not committed offences or vulnerable. Loud hailers to be used. Gold agreed. (Full containment of Parliament Square authorised. Rationale: There has been serious violence within Parliament Square over the last 2 hours. Demonstrators have attacked police lines intent it seems in getting through to POW. This will cause serious outbreaks of further damage and violence. I fear that unless I contain this group in Parliament Square, they will move onto other roads and rampage through London. I fear a real and imminent breach of the peace that I will not be able to prevent unless I contain them. I will then look for options to arrest people for offences, and disperse the group in small manageable numbers as soon as possible. However, I do take into account that the reason for the demonstration is the vote in POW and therefore release before this is unlikely unless the crowd dynamics change dramatically. I have briefed all bronzes to ensure discretion is used in allowing vulnerable people out of cordon wherever possible. I am also cognisant of the fact that Whitehall has*



*remained open for some time so they could leave if they had wished to do so [...] I have instructed the bronzes on cordons to undertake role of letting people out and helping vulnerable people out.)*

### **Silver's ongoing review of the containment tactic**

26. Silver's review of tactical options was a continuous process however, the containment tactic in particular was subject to regular and well documented review. There were 3 specific reviews and 2 other decisions specifically intended to bring the containment to an end. Again, I provide the relevant extracts to demonstrate both the timing of, and considerations made during, reviews.

*1550—review containment. To Continue. The level of violence continues. I now have groups of protestors in the west end causing damage and violence. The numbers are 100–150. I fear this will even larger if I do not contain this group in Parliament Square who already have shown their propensity to extreme violence; and I therefore fear a real and imminent breach of the peace if I release them. I am satisfied that everything is being done to extract vulnerable people by the bronzes on the ground and have witnessed this myself.*

*1725—Review of containment. There is little change from when I last reviewed the circumstances of the containment. However I have met with Bx [Bronze] 11—Supt Bird and asked him to command my dispersal when I authorise it to take place [...] Evidence gatherers and cameras will be at dispersal point to arrest persons for substantive offences. The vote is imminent in the House of Commons.*

*1842—Authority to deploy into Parliament Square to arrest offenders given to Bronzes; Rationale: The level of violence has not desisted over the last 4 hours. The [illegible] appear to be trying to [illegible] and damage as much as possible in and around the Parliament Square area. It is now necessary to stop this as if these buildings catch light there is a real and imminent danger to life. I therefore want officers to intervene. This will mean the level of force will have to be higher and proportionate to nullify the real threat posed by the demonstrators.*

*1957—Containment reviewed—no change in circumstances at this time. BX's still releasing people if possible.*

*2059—Authorise the clearance of Parliament Square into Bridge Street. Rationale: The Breaches of the Peace and Criminal Acts continue. It is now possible to move these people into a tighter containment. This will prevent them causing damage, violent acts and setting fires. The plan will mean forcing them into Bridge Street. This is also part of the dispersal plan. It is necessary to do this to stop the violence and damage that has been occurring in Parliament Square. I note that the numbers in Parliament Square have reduced significantly. This is due to the hard work of "weeding out" some people (less of a threat) throughout the evening. Bx 11 is in overall charge of this tactic and the dispersal tactic following on from this.*

### **The duration of the containment**

27. The duration of 7 hours that you refer to was directly linked to the sustained violence that continued through Parliament Square and elsewhere up to the start of the final dispersal detailed above. Large groups continued to roam the West End and some of these committed acts of violence, mostly notably at 19.21 when a group attacked HRH The Prince of Wales and The Duchess of Cornwall. There were other incursions and violence used against commercial premises and the National Gallery, where 100 protestors forced their way in.

28. Within Parliament Square, some of the worst acts of violence of the whole day continued including repeated attacks on the Treasury building and the Supreme Court. Fires were set and police lines came under constant and sustained attacks.

29. However, it would be wrong to suggest that there was a continuous containment throughout this period. There is extensive evidence within command logs to show discretionary releases of peaceful or vulnerable protestors throughout the whole period. However, perhaps the most significant figure to support this would



be that at the start of events in Parliament Square there were 15,000–20,000 people present. At the point that the release plan was initiated there were only about four thousand remaining in the square.

### Question Two

2. You told us during the evidence session that officers communicated with those demonstrators on 9 December who were being contained in Parliament Square including through the use of a “warning and informing” tannoy system. The representatives of the National Union of Students and the National Campaign Against Fees and Cuts told us that communications were not received by all demonstrators.

- (a) Please provide more detail on the “warning and informing” tannoy system used;
- (b) What steps were taken by you to ensure that communications were received throughout the contained crowd, and to facilitate supplementary information being provided by stewards and marshals, if any.
- (c) What were those being contained told by the police about:
  - (i) the reasons for the containment,
  - (ii) the likely duration of the containment,
  - (iii) access to facilities and how to exit the containment? What other information was communicated to the contained demonstrators?

30. I note from the outset that the representatives of the NUS and the NCAFC state that communications were not received by all demonstrators. We would not contest that this was likely among a crowd of up to 20,000 people, a significant number of whom were committing acts of violence and engaged in wide scale disorder. Ensuring contact is effective with everybody in a crowd that large, in the open air, would be a challenge for us even if they were entirely passive.

31. Notwithstanding the violence that ensued there were other environmental factors that created limitations to communication including:

- Traffic noise
- Acoustics
- Helicopters (police and media)
- Amplified music within the crowd

32. That said, we recognise the importance of communication, which should of course start with the provision of effective information being provided to protestors by the organisers of the event. From the outset this appears not to have happened and indeed, we have received communication from students involved in 9 December protest who acknowledge that they were not even aware of the route they were meant to be taking.

33. When it became necessary for the police to take over responsibility for communicating with the crowd, because the organisers had lost control, we had planned to do so in the following ways:

- Direct verbal contact between officers and public
- Amplified voice communications using loud-hailers or vehicle mounted tannoy systems
- Visual communication through “dot-matrix” display boards
- New and old media

34. There are variations on these themes and in some circumstances, it might be appropriate to use banners or written material such as leaflets. All communication systems have their uses and limitations particularly when taking into account the environmental factors explained above.

35. On 9 December the primary means of contact with protestors was through officers talking directly with them and by using the tannoy systems described above. The dot-matrix system was available however it was not deployed. The system is required to run on a petrol generator and there were concerns on this occasion that it could not be sited in such a place so as to make it effective and also ensure it was not overrun. You will appreciate the implications of violent protestors gaining access to a generator's petrol tank.

36. Once the crowd had become violent, it was not safe to enter the crowd in order to communicate with them. The operation became reliant on direct communication between officers at cordon lines or from the vehicle tannoys that can broadcast to a greater distance. The tannoys are not sophisticated systems, being part of the vehicles normal specification. They are almost always positioned behind police lines and therefore in front of protestors. As a result, those at the front of the crowd would have heard the message though it is accepted that those in the centre or at the back of the crowd may not have heard the messages being passed.

37. Direct verbal communications would have become virtually impossible once it became necessary for officers to don protective helmets and once attacks on police started, in many cases verbal communication would not have been more comprehensive than officers shouting "Get Back".

38. I would wish to reinforce the point that the containment was not established until some significant time after wide scale disorder had started and this made the universal communication of containment information all but impossible.

39. What is clear from command logs is that commanders on the ground were made very aware of the instructions to release vulnerable people. Some commanders report personally passing this information to the officers actively involved in controlling crowds and there are examples that this message was getting through to significant sections of it: I cite, as an example of how effective communication was, the significant reduction in crowd size that occurred over the period of containment.

40. As an example of how individual officers communicated I provide the following abstract from PC 470LX who in her Evidence and Action Book provides the following information about what her team did when positioned at the Victoria Street cordon sometime between 1330 and 1530.

*[...] slowly there were growing numbers of protestors. They were given advice of where exit points where if they wanted to leave. Protestors stayed and were getting aggressive verbally. We informed them that the cordon was in place under section 3 of the Criminal law Act to prevent any further damage to property in the street and under common law to stop a breach of the peace [...]*

41. Prior to this event, PC 470LX had been subject to a number of attacks by protestors. She was typical of many officers that day who started work at about 0900 and were then continuously deployed into violent situations until nearly midnight. I think that the calm manner in which she has attempted to communicate with a hostile crowd is a great reflection of the professionalism all of our officers displayed throughout the day.

42. There was no single "corporate" message constructed, providing answers to the questions you pose in section c, and to most, the reason for containment would have been clearly visible around them. I do not believe it was practical to give containment duration assessments as this was entirely dependent on Silver's continuing threat assessments.

43. With regard to communication between police and stewards, various command logs show that police officers tried to communicate with organisers in order to keep the protest moving through Parliament Square. Again, I will provide first hand testimony from one of my commanders who perhaps best articulates the challenges of working with the organisers:

*1342; I am negotiating with several different stewards/organisers and trying to get them to restart the march. I have explained to them there is a risk of crushing further up the march as the crowd becomes more dense. They are not engaging with the crowd so I have asked for them to use loud hailers. They state they are waiting for a banner to arrive before they will restart but I have again explained the importance of restarting the march along the agreed route to stop harm being caused to people in the crowd.*

44. It would appear from this entry that not only had the organisers lost control by allowing the march to come to a halt but that they were also being uncooperative with the police. Shortly after this time, there were significant outbreaks of violence and it appears that very little recorded communication continued between the stewards and the police thereafter.

### Question 3

3. During the evidence session Mr Porter of the National Union of Students questioned what efforts had been made by the police to gather information on demonstrators that had caused trouble during the demonstrations on 10, 24 and 30 November and how this information was used to police the demonstrations on 9 December. Can you explain what intelligence was gathered on those expected to be participating on the demonstrations on 9 December and how this informed the policing strategy on this date?

45. In answering this question I will restrict myself to generalities, as I would not wish to make public some of our intelligence gathering methods. To expose our processes could undermine the effectiveness of our methods or expose to risk those who deliver information into it.

46. There are however general matters that I am happy to share with you and which I hope will answer this question to your satisfaction.

47. Clearly, the MPS is always capable of responding to large-scale disorder and our commanders, planners and officers are regarded as being world leaders in managing public order events. We have considerable experience from policing some 4500 events a year in the Capital, most of which pass peacefully and without incident.

48. In many respects the policing of the recent student protests has presented the Metropolitan police Service with unprecedented challenges. Protests descending into lawlessness and protestors using levels of violence not seen in recent times, has meant that the MPS has had to learn and adapt so as to provide an appropriate and proportionate response. The fact that these protests form part of a connected chain presents opportunities to learn about individual protestors, their organisation and tactics.

49. Very few protests require a significant intelligence input. In essence most are single events, many are organised by recognised groups or institutions and most are done in full cooperation with the police and local authorities.

50. In most cases, the police will have some capacity to gather information as an event progresses or it descends into disorder. This might be through police evidence gatherers deployed as part of the operation, or by something as simple as monitoring CCTV networks. Much of the thrust of this activity is in gathering evidence to support subsequent prosecutions if appropriate.

51. Such information may be of value as intelligence but most is not.

52. I think it is important to note that generally speaking, it is individuals who commit offences and not organisations and the opportunity to pre-empt which individuals may turn up to any particular protest may be very limited indeed.

53. The first student protests, which had been planned for many months, were expected by the police to be lawful and peaceful with the organisers being both willing and capable of fulfilling their responsibilities. Accordingly there will have been very little information gathering associated with them other than to monitor open sources such as social networking sites and public communications from the organisers themselves.

54. In the case of the student protests the MPS recognises the democratic rights of unions to exist without state interference. We have neither the resources nor political mandate to actively gather intelligence about the NUS or any other union. Moreover, the nature of student unions in particular, is that of transient, informal membership and thus identification within these organisations would be extremely difficult.

55. What the MPS does do is monitor the public actions of individuals associated with organisations. In this way, it might be possible to predict, based on their past actions, that individuals from Organisation A are more likely to turn to disorder than those from Organisation B and an appropriate policing response can be developed to match the presumed risks. We know from experience that those who would undermine peaceful protests prefer to work under the cover of large numbers and therefore we can add to the predictability equation, the anticipated size of the crowd.

56. It is fair to say that the rapid evolution of the student protests has resulted in a similarly rapid development of the way in which the MPS gathers, manages and uses information to inform our intelligence about them.

57. Up to and including the 9 December protests, much of the focus was to gather information and use it retrospectively to identify offenders. One of the limiting factors in exploiting the information gathered at earlier protests has been the scale of material seized and limited time between protests in which to view, assess and use it. There been 210 people arrested for offences committed at student protests and many of these will have come about because of the information gathered on those days. 60% of these people had never come to police notice before and of those that had, few were known to us for protest-connected criminality.

58. Sometimes, information becomes intelligence in that it can be used to predict criminality and therefore prevent or disrupt it. However, in many cases, this might not be practical. Mr Porter's question regarding our efforts to identify previous trouble-makers might be taken to presume that even having done so, police could act to neutralise their influence. The reality is of course far different.

59. Firstly, among thousands, it is nigh on impossible to say with certainty, which individuals may attend a protest.

60. Secondly, even people who have antecedence for trouble making have a right to attend protests unfettered by police interference, unless they are breaking the law or are known to be intending to do so. Even then, if they are identified among crowds of thousands, many of whom may be wearing face coverings, there are significant risks if attempts are made to remove them, even in the course of them committing offences.

61. It is far better to manage the situation that presents itself and deal with individuals when it is safe to do so.

62. Thirdly, too early an intervention risks allegations of heavy-handed policing and risks providing an excuse, albeit one that is always unjustified, for those who would commit crime.

63. What became apparent from earlier protest is that those attending were a loose affiliation. It might be possible to predict (but not with certainty) which groups would turn up but it is virtually impossible to predict which individuals might join them. We saw legitimately interested parties attending to protest but these were joined by gains from elsewhere in London that were attending with the sole purpose of causing violence. Subsequently, we were able to monitor some locations in London so as to provide advanced warning of who and how many may be on their way to central London.

64. Although some of the earlier protests had been mostly peaceful there had been clear example that led police to believe that escalations to violence were not only possible but were perhaps likely. In response to this, there was a broader intelligence gathering operation in place on 9 December to provide commanders with an alert as to who might be attending.

65. On 9 December, there were opportunities to gather intelligence in Parliament Square and these were actively used. Based on this intelligence we were able to track and respond to a number of developments and arrests for some serious offences continue to this day.

66. Based on some of the learning from 9 December, we were able to create a more sophisticated information gathering operation on subsequent protests that created more opportunities for taking immediate action against offenders identified from earlier protests. This process will continue in future protests.

67. Lastly I would like to make brief comment on the information given to officers working within public order serials.

68. The basis of public order policing is of serials of police officers working as teams to an overall tactical plan. Officers rarely work independently and an officer being able to identify an individual suspect from an earlier incident is not only unlikely but is also likely to be un-actionable. It would not, for example, be appropriate for an individual or even a serial of officers to independently move into a crowd to detain someone they had recognised from an earlier event without this being part of the overall tactical plan: To do so would risk undermining the whole tactical plan. Therefore, providing individual officers with photographs or footage of shoes who had or were likely to commit offences could be counter-productive and was not done, except with specialist evidence gathering teams.

69. Similarly, the mindset of officers engaged in public order policing is very important and it was decided not to show video footage to officers so as not to cloud their views of events that may unfold in front of them on the day.

### **Question Four**

4. The Association of Chief Police Offices' guidelines on the policing of protest state that during demonstrations batons should only be used in a reasonable and proportionate manner by officers. Can you comment on whether the use of batons on 9 December was both reasonable and proportionate and provide evidence for your view? Is there any more specific guidance about how batons should be used, e.g. are there any specific instructions that officers using batons should attempt to avoid blows to the heads of demonstrators?

70. Before answering this question, it is important for me to point out that I am unable to comment on individual uses of force on 9 December. However, all police officers are all fully aware that they are individually accountable for any force they use.

71. You will appreciate that there are ongoing criminal investigations into the conduct of protestors and I would not wish to engage in discussion that would jeopardise the fairness of these or any subsequent criminal proceedings. Similarly, there is an IPCC investigation into some uses of force and it would be inappropriate for me to provide comment on these matters either.

72. However, I think it is useful to contextualise the use of force as posed by your question and I am happy to discuss how the MPS prepares its officers to use batons. I would like to address the following:

- The law as it relates to use of force
- Preventative planning to avoid use of force
- The training of officers in the use of the baton

### **The Law relating To Use of Force**

73. The ACPO guidance to which you refer provides a number of considerations for the use of batons, among them being the imperative for reasonable and proportionate use. Although the deployment of batons is referred to specifically as tactical option in the ACPO manual, the use of batons is just one way in which a police officer may use force and is therefore covered by the same law that regulates any use of force.

74. Thus, the legality of an individual use of a baton in any situation is not governed by ACPO guidance, but determined by the laws that permit the use of force and should always derive from one of 3 sources. These are:

- Section 3, Criminal Law Act 1967
- Section 117, Police and Criminal Evidence Act, 1984
- Common Law

75. Overlaid on this domestic legislation is the requirement to comply with the articles of the European Convention on Human Rights. As you are aware, the 2010 ACPO Manual of Guidance "Keeping the Peace" was amended in the light of the recommendation and learning following on from the policing of the protests immediately prior to the G20 summit in April 2009. I enclose a copy of the relevant section of that Manual

which relates to the legal framework for Police Use of Force (pages 34–37).<sup>1</sup> The MPS was involved in the revision of the Manual and all the commanding officers for the policing operation on 9 December 2010 were familiar with the guidance.

76. Although there is no hierarchy among our domestic use-of-force laws, each may be used according to need and circumstance. Individual officers will commonly exercise their powers as they see fit under the legislation that is most appropriate to the circumstances they face. Ultimately, officers are individually accountable for their use of force.

77. In my view, there were many circumstances on the day when the use of batons would have been a wholly proportionate response to some of the extremes of force faced by officers.

### **Preventative Planning To Avoid Use of Force**

78. I would like to make it very clear that contrary to evidence given to the Committee by others, my officers did everything that they could to avoid confrontations with protestors. This started with the operational plan.

79. The whole premise of the operational plan was underpinned by the need to protect Parliament and the democratic processes being undertaken therein. You will appreciate the challenge of ensuring that Parliament remained accessible to those with legitimate rights of access while preventing those who would disrupt them. You will further appreciate the national and indeed, international implications of parliament being overrun by protestors wishing to prevent legitimate voting taking place.

80. The University of London Union had made clear statements during our planning meeting that they intended to “march on Parliament” and the MPS sought to work with them to facilitate a peaceful protest.

81. You will have seen from media footage that there were clearly many within the crowd who sought to breach police lines that were probably the most effective barrier to mass invasion of Parliament. I have little doubt that had those lines not stood, there would have been a mass invasion of the Palace of Westminster (PoW), the results of which we could still very well be dealing with today.

82. Bearing this in mind, the planning principles that underpinned the policing operation on 9 December took account of the need to create a defensive barrier around PoW. Mindful of our extensive experience in policing protests we recognised that a simple police line, that would put officers “toe-to-toe” with protestors may be both insufficient to deal with a concerted attack on PoW and also create conditions where physical confrontation was more likely.

83. Accordingly, a box shape barrier (known as a ‘Wapping box’) was erected across the front of Parliament with express intention of preventing the invasion of Parliament but with an equal purpose of preventing the need for officers and protestors to come into physical contact.

84. You will undoubtedly have seen protestors attacking this line with fencing that had been torn down from Parliament Square, using this as an extended weapon because they could not, themselves, physically reach across the Wapping box barrier. A significant number of protestors attacked this line with such ferocity that barriers were crushed and officers had to resort to the use of batons to protect themselves and Parliament.

### **The Training of Officers in the Use of Batons**

85. The officers used to police the 9 December protest were drawn from many areas of the Metropolitan Police Service. Their normal duties are many and varied, ranging from detectives to safer neighbourhood officers as well as others from specialist departments. All have common training in the use of batons.

86. Every officer up to and including the rank of Chief Inspector is required to undertake mandatory officer safety training every year. This is required to be for a minimum of 12 hours and covers those skill areas that involve use of force including, tactical communications, unarmed skills, handcuffing, batons, and use of

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1 Not printed



incapacitant spray. This training is completed on a pass or fail basis, and officers unable to satisfy the instructors that they are competent are given development until they can do so or are ultimately removed from operational duties.

87. It is important to note, particularly in the context of proportionality, that batons are not taught in isolation from other use of force methods. Equally important is the fact that practical skills are underpinned by a great emphasis on being able to understand how and why force should be used. In the past 10 years there has been a significant move towards more classroom based “scenario” training so that officers may better understand the rationales behind use of force and therefore be more accountable. Ultimately, while the baton is a blunt and relatively easy to use instrument, there are skills to be learned in using the correct methods of drawing and striking.

88. All use of force training is linked to the Officer Safety Model (OSM) that requires an officer to consider

- Impact Factors (including person concerned, object they may be using against police and place where incident is occurring)
- Risk Assessment (that would include an assessment of risks to the officer and the subject)
- Powers and Policies (domestic and human rights law as well as local policies)
- Tactical Options (ranging from talking to people to actually using force by various means)

89. Within this model, the use of batons is specifically linked to an understanding of alternative methods such as tactical communications (i.e. warning people to get back, or trying to calm them down), acknowledging the potential medical implications of using a baton on any particular part of the body and understanding the law in which use of force is applied.

90. The use of the officer safety model is a dynamic process, being a cycle that an officer can go through many times a minute in an environment such as Parliament Square. Of course, this is not a precise science and there remains a degree of subjective assessment that is clearly commensurate with the law as described above.

91. The overlaying of medical considerations on the assessment process means that officers have a clear understanding of the consequences of any particular course of action. There is no prohibition on striking any part of the body but an officer would be expected to demonstrate their understanding of the consequences of any particular course of action and justify these in a legal context.

92. The use of batons in a public order context does become more complex and officers who are trained to police public order events receive additional “technical” training. Specifically, it is more difficult to use a baton when carrying a shield and officers are taught how to do this and there is a specific “show-of-force” tactic where officers will collectively raise their batons in warning to protestors. This is a relatively unique tactic in that it is reliant on a 3<sup>rd</sup> party (commander) giving an order to use force whereas this is almost always an individual decision for officers.

93. The “command” use of force is dictated by the conflict management model, which is a national model for determining what actions are appropriate based on; the information and intelligence available; the assessment of threat; the available powers, policies and procedures and the tactical options.

94. It may be that while an individual officer does not perceive a threat, the commander who has a much broader picture of the whole incident, may deem that use of force is necessary to meet the needs of the broader operation. On this basis, they may direct officers to use that force although the individual officers will remain accountable for the actual degree of force used. A simple example of this might be a line of police officers being directed to push a group of protestors towards a particular area. A simple guiding hand may be all the force that is required or, where violent resistance is encountered, a baton strike might be more appropriate. All of our officers and commanders are trained to understand the complexities of the use of force.

95. It is also recognised that the use of the baton in public order policing may occur in “toe-to-toe” situations that create additional difficulties. In a large and active crowd such as that in Parliament Square, officers may be faced with limited options as to where to strike persons using violence against them. In a crowd, an officer

may only be able to strike a head or shoulders and may still find this necessary and reasonable even in recognition of the potential medical consequences.

96. In a densely packed and dynamic crowd there remains potential for collateral injuries where an officer may miss their intended target and strike an adjacent person if there is a sudden movement. This would be subject to a dynamic risk assessment where the officer would weigh up the risks of striking against the consequences of allowing violence to continue.

97. Finally, following the G20 protests of 2009 there was an extensive review of our public order training including the use of batons. The Public Order Officer Safety Manual was rewritten to place a greater emphasis on human rights considerations. Included in this was review by a leading medical expert who was asked to consider the implications and provide advice on, the various techniques likely to be used.

98. In support of their training, officers have access in electronic format to the MPS Officer Safety Manual. This is a very lengthy resource and I enclose for you hear a print out of the section that specifically deals with the use of the baton, as well as the introductory sections that deal with use of force and the medical implications.<sup>2</sup>

### Question Five

5. There have been reports that a disabled demonstrator was pulled from his wheelchair by police officers on 9 December. Is specific guidance and training available for officers on the treatment of disabled demonstrators during protests?

99. The incident to which you refer is again subject to both a criminal investigation regarding the conduct of protestors and an IPCC investigation into the actions of police officers. You will again appreciate that it would not be appropriate for me to discuss this specific incident.

100. The Metropolitan Police Service has, as a strategic principle, the need to respect diversity and this extends to a much broader definition of disability than those who might use wheelchairs. We are supported in the development of our strategic response to disability by a Disability Independent Advisory Group that is a proactive in giving us advice on how to address a host of issues.

101. A diversity directorate oversees the development of diversity policies and practices and ensures that strategic intention continues to be implemented practically.

102. Our strategic position on disability comes to life through 3 means

- Mandatory training
- Performance review
- Experience

103. The strength of our public order policing is that, as explained previously, the officers used to police protests are drawn from what most would regard as “normal” policing duties. All the officers on duty on 9 December would have undertaken diversity training either on entering the police service or through a mandatory online learning package. Among the subjects covered within this package is disability.

104. Additionally, every officer in the MPS has, as part of their annual Performance and Development Review (PDR), an assessment of their contribution towards policing diversity. This constant focus on the practical demonstration of their respect for diversity means that officers maintain a high level of awareness of all issues.

105. Lastly, in terms of officer awareness, is the fact that the single point of entry to the police service (i.e. operational constable) means that all officers are exposed to a broad range of communities and policing activities from their earliest days. Most carry this vast experience of life with them throughout their whole



careers, constantly using it to inform their decision-making processes. This means that officers who become involved in public order operations come with the skills required to deal effectively with all the people they meet.

106. Within training for public order policing, there is no additional input aimed at raising officers' awareness of the needs of specific disabilities. Focussing on, for example, wheelchair bound protestors would be far too narrow a focus. It is highly likely that among a crowd of many thousands there will be many people suffering from different types and different degrees of disability including some that would be apparent to officers and many that would not.

107. There is however, specific tactical and strategic training and guidance given—constables through to commanders—regarding the use of containment tactics dependent on their role at a public order event. This includes all them being trained to consider the needs of those who might be viewed as vulnerable, and I accept that a disabled person may become vulnerable in any situation but especially so when they find themselves in the middle of a violent protest. In a broader context, commanders are also trained to consider the welfare needs of the whole crowd.

108. There are no separate tactics that police could implement to prevent a disabled person from attacking or obstructing a police line that are different to those that may be used with able-bodied people. Essentially, officers will use the level of force that is appropriate within the law to counter the violence used against them, taking into consideration the medical implications of such action as described in my answer to the previous question.

109. The police must be able to respond to vulnerable people who are identified and who wish to leave protests. There is strong evidence captured in various command logs that indicate a clear intent by commanders and officers to support vulnerable people within the crowd and release them through the appropriate cordons as soon as possible.

110. I would also expect the organisers of a protest to consider the needs of disabled participants; failure to do so may contravene legislation in some circumstances. I expect organisers to be responsible for ensuring that the planned peaceful activities are open to all and that those requiring additional support are afforded this. Where peaceful protest turns into violence and disorder, it remains incumbent on the organisers to ensure that vulnerable people are suitably supported. I am unaware of the provisions made by ULU to cater for disabled participants.

## Question 6

6. You described to us an “active advance” made by mounted officers on 24 November to disperse demonstrators, but told us that no such advance was used on 9 December. Can you comment on suggestions that mounted officers approached those contained in Parliament Square on 9 December at a fast pace and explain the purpose of the advance in this case, given that the demonstrators were already contained and so had nowhere to move to? You described the “active advance” as an ACPO-approved tactic. Is there any specific guidance on when and how it should be deployed?

111. Thank you for the opportunity to provide further clarification regarding the use of horses on 9 December. I have reviewed the transcript of our meeting on 14 December and disagree with the statement that you attribute to me in your letter dated 22 December. The record does not show me as saying that “no such[active] advance took place on 9 December” as you state.

112. What we are talking about here are degrees of engagement and differences in tactical intent.

113. As I said to you on 22 December, horses are used for a wide variety of reasons. The ACPO Manual on keeping the Peace gives 5 reasons why they may be used:

- To assist with monitoring the crowd dynamics and information/intelligence gathering
- To demonstrate that force is about to be/may be used

- To support cordons
- To escort marches/groups
- To assist with the dispersal of a crowd

114. On 24 November, the intent of the active advance was to disperse the crowd and clear an area in support of further dispersal. There were significant dangers to the officers who were deployed in that area and who were being attacked despite being largely defenceless. The use of horses was a tactic of last resort to prevent further extremes of violence and their deployment at that time was proportionate.

115. On 9 December, the circumstances and use of the horses were somewhat different. What we saw at Victoria Street, was a sustained attack on a police cordon with a presumed intent to attack vulnerable premises in the near vicinity or to find an alternate route to the Palace of Westminster. There was a need to support and reinforce the cordon of officers trying to hold that area.

116. Initially, the foot officers at that location were providing a simple cordon to prevent large numbers of protestors deviating from the agreed route, which was still open for them to follow. The cordon was intended to allow the filtering of small numbers of protestors into Victoria Street and away from Parliament Square. However between 1400 and 1500 this cordon became the focus for sustained attacks from a crowd described as 20 deep. It was the attack on this cordon in particular, that was one of the reasons containment was commenced.

117. During this period a line of officers was attacked with fencing; had hundreds of protestors surging at them, and were barraged with scaffold bolts, fireworks, flares and other missiles clearly intended to cause them harm.

118. Had this police line failed to hold its ground, a large number of violent protestors would have had free run up Victoria Street and then spread into the heart of the nearby government infrastructure.

119. At about 1500 a unit of mounted officers were making their way to take a refreshment break when they passed through this area and observed the perilous state of the cordon. They took the decision to self-deploy to Victoria Street to support their colleagues on foot and formed up behind the police line to provide a “show of strength”. This is a recognised tactic and is contained in the ‘MPS Guide to Mounted Branch Tactics’.

120. After consultation with a Bronze commander it was decided that the horses were the only means of preventing the crowd from overwhelming the cordon officers. Prior to directing the horses into the crowd, the bronze commander observed that there was a large open space behind the protestors into which they could move. It was obvious that this group of protestors could have moved to the exit point at Whitehall but chose not to.

121. Initially, the mounted unit tried to conduct a “Passive Push” into the crowd from behind the officers which involved the horses moving at walking pace. This tactic is described, and guidance contained, in the Public Order Tactical Trainer’s Manual. This is a less dynamic tactic than the ‘Active Push [Advance]’ that would ordinarily be supported by the shield officers and possibly take place at a faster pace.

122. They did this twice, withdrawing and assessing the impact of their push on each occasion. The tactic provided only temporary relief and on each withdrawal, the crowd surged forward again to apply pressure to and attack the cordon. Finally, the mounted commander took his team around the side of the cordon and came across the front of the line of officers, to form an “Absolute Cordon”. This was a successful tactic and the pressure started to abate. However throughout this engagement, protestors continued to attack officers and horses alike and it was at this point that one of the most serious injuries to officers occurred when one of the mounted officers was pulled from his horse.

123. Such was the ferocity of attacks on the mounted officers that some of the evidence booklets completed after the event refer to their horses “shivering” with fear. It is testament to the bravery and skill of these officers that the line was held.

124. There are several sources of guidance in the use of horses, primary among these are:

- The ACPO Manual on Keeping the Peace
- The MPS Public Order Tactical Trainers Manual
- The MPS Guide to Mounted Branch Public Order Tactics.

**24 January 2011**

### **3. Letter from the Chair, to Rt Hon Theresa May MP, Home Secretary, 12 January 2011**

The Joint Committee on Human Rights is conducting its scrutiny of the Police Reform and Social Responsibility Bill for compatibility with the human rights obligations of the UK. I would be grateful if you could provide us with some additional information.

#### ***(a) Protests in Parliament Square (Part 3)***

Part 3 of the Bill proposes to repeal Sections 132–138, Serious Organised Crime and Police Act 2005 (SOCPA). These provisions place a prohibition on protests within around 1 mile of Parliament without prior notification and authorisation on application to the police. These provisions were repeatedly criticised by the predecessor JCHR, which criticised their introduction as a likely disproportionate interference with the right to freedom of assembly (Article 11 ECHR) and called for repeal of these provisions on a number of occasions.

The Government proposes to replace these provisions with new limitations on the means of protest permitted within Parliament Square Gardens and the surrounding areas. The Bill will create new “prohibited activities” in this area. These will include:

- Operating amplified noise equipment (including loudspeakers or loudhailers);
- Erecting, keeping erect or using a tent or another structure for the purposes of sleeping or staying in that area for any period;
- Placing, keeping or using any sleeping equipment (which includes any sleeping bag, mattress or other similar item) for the purposes of sleeping overnight in that area.
- Performing a prohibited activity—without reasonable excuse—after being directed to cease by an authorised officer (including police, employees of GLA or Westminster City Council) will be an offence. Any constable or authorised officer may seize or remove any offending items, including through the use of reasonable force.

These limitations must be justified as necessary to meet a legitimate aim and proportionate to the proposed interference with the rights protected by Articles 10 and 11 ECHR, the right to freedom of expression and assembly. The Explanatory Notes explain the Government’s view that these provisions are proportionate in very broad terms.

In relation to the proposals relating to tents and sleeping equipment, the Government relies on the decision of the High Court in the eviction of the “Democracy Village” protesters earlier in 2010. In that decision, the judge considered eviction was proportionate in light of the rights and freedoms of others to access the square, the protection of health and the prevention of crime. While this assessment was relevant to the decision in this case, we are concerned that this does not provide justification specific to these proposals, including an indication of why the blanket restriction on the use of tents and sleeping materials is appropriate, necessary and justified.

In relation to loud speakers and loud hailers, the Explanatory Notes take a similarly broad approach:

“The Government considers that the legitimate aim pursued these provisions is the protection of the rights and freedoms of others—partly those members of the public who should be able to enjoy Parliament Square peacefully, partly those members of the public who wish to protest either with or

without using a loudhailer and partly those members of the public who wish to go about their lawful business without disturbance.”

The predecessor JCHR accepted that some measures to control disturbances to parliamentary business might be justifiable but called on the Government to consider the proportionality of any measures.<sup>1</sup> **I would be grateful if you could provide further information:**

**1. In light of the justification provided in the Explanatory Notes, why are these measures necessary and limited to the area of Parliament Square Gardens? (Please provide a further explanation of why the reasons for the restrictions in the Bill in the Explanatory Notes justify these specific provisions in the vicinity of Parliament Square, as opposed to anywhere else in the UK)**

**2. Why are existing measures in the Public Order Act 1986, including the ability of police to impose conditions on marches and demonstrations that become violent or which pose a serious threat to public order, inadequate to regulate protest around Parliament? Please give examples of circumstances when the existing powers have been applied and proved inadequate to protect against public disorder.**

**3. If there are specific reasons for regulating protest around Parliament, particularly in relation to the use of sleeping equipment or amplified noise equipment, we would be grateful for a fuller explanation of the Government’s views of these reasons and the proportionality of the proposed measures, including evidence to support those views;**

**4. We would be grateful if the Government would explain why it considers that the breadth of the discretion which it is proposed that GLA, Westminster City Council and the police will have in practice is appropriate and legally certain enough to satisfy the requirement that any restriction on protest be prescribed by law; and**

**5. Please explain why the Government considers that it is appropriate for employees of GLA and Westminster City Council to have the statutory power to use reasonable force against individual protesters in order to seize sleeping equipment or to remove any individual who appears to be breaching the prohibition on sleeping equipment or intends to breach those provisions.**

**6. We would be grateful if you could explain what safeguards will be in place to ensure that this power will be applied in a way which protects individuals from the disproportionate use of force and respects the individual right to life (Article 2 ECHR); and the right to physical integrity (as protected by Article 8 ECHR).**

### ***(b) Private prosecutions for crimes of universal jurisdiction (Clause 151)***

Clause 151 removes the power of ‘private prosecutors’ to seek an arrest warrant from a Magistrates Court without first getting the consent of the DPP, in relation to selected offences alleged to have been committed overseas. The prosecution of the majority of these offences have implications for the implementation international human rights obligations of the UK. For example, the UK has free-standing obligations in relation to the prosecution of offences of torture, under the UN Convention against Torture (UNCAT). Equally, the right to life requires the UK to take measures to provide for the prosecution of offences which endanger life. It is clear that public prosecutions – and prosecutions subject to the authorisation of the DPP – will remain possible. However, we have some concern that these provisions are a retrograde step in the UK’s ability to meet its international obligations. The right to bring private prosecutions has been described as “a useful constitutional safeguard against capricious, corrupt or biased failure or refusal of those authorities to prosecute offenders against the criminal law.”<sup>2</sup>

<sup>1</sup> Seventh Report of 2008-09, Chapter 5:  
<http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/47/4708.htm>

<sup>2</sup> *Gouriet v Union of Post Office Workers* [1977] 3 All ER 70.

We consider that where there is an international obligation on the UK to provide for prosecution, any proposed departure from the ordinary criminal procedure should be justified and fully explained by the Government by reference to evidence to support their reasons for action.

This issue is not addressed in the Explanatory Notes. However, during the second reading debate on this Bill in the House of Commons, you explained:

“The Bill addresses another important area of law that is not currently working—the whole issue of how we apply universal jurisdiction, which is a key principle of international justice that enables some of the gravest offences to be prosecuted here, regardless of the state in which the offences were committed.

[...]

We are not changing the law because a foreign country has put pressure on us. In relation to this law, the evidential requirement that is needed in order for somebody to go and get an arrest warrant is significantly less than that required for a successful prosecution.”

Prior to the Bill’s introduction, the Secretary of State for Justice said:

“[I]t is important...that universal jurisdiction cases should be proceeded with in this country only on the basis of solid evidence that is likely to lead to a successful prosecution—otherwise there is a risk of damaging our ability to help in conflict resolution or to pursue a coherent foreign policy.”<sup>3</sup>

At present, on laying of information in connection with an offence, Magistrates can issue a summons or issue a warrant for arrest in order to bring a person before the court to answer the allegation. Under the proposals, the DPP would have to consent before an arrest warrant were issued in any case brought by a person who was not a public prosecutor. Unfortunately, the Bill and the Explanatory Notes provide very little guidance on the test to be applied by the DPP or the procedure that will apply in order to secure the consent of the DPP in order to allow a prosecution to proceed.

**7. We would be grateful if you could provide us with a full explanation of the Government’s view that a departure from ordinary criminal procedure is required in relation to the offences covered by Clause 151. In particular:**

- (a) Please explain what purpose the proposed restriction on the power of the magistrate to issue a warrant will serve, and provide the reasons for the Government’s view that the proposed restriction is proportionate and justified.
- (b) In light of the decision to introduce a separate procedure relating to offences of universal jurisdiction, we would be grateful to have a further explanation of the decision that these provisions are necessary now, rather than when the offences were incorporated into domestic law.
- (c) Please provide any evidence relating to the Government’s position, including any statistics on the use of the power of arrest in connection with crimes of universal jurisdiction or details of any cases where the Government considers that the existing magistrates’ power has been used inappropriately

**8. Please provide details on how an applicant will secure the consent of DPP in an ordinary case, including details of any safeguards to ensure that the decision of the DPP is taken in a timely way, in order to ensure that any planned prosecution is able to proceed without delay.**

During the last parliamentary session, our predecessor Committee conducted an inquiry on the application of international crimes and international criminal law in the UK. The inquiry focused on gaps and

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3 HC Deb 22 July 2010 c47W5; Ministry of Justice, News Release, *New rules of universal jurisdiction*, 22 July 2010.

inconsistencies in the implementation of these offences in UK law. Taking evidence from the former DPP, Sir Ken MacDonald, he asked whether the prosecution of offences pursuant to the International Criminal Court Act 2001 (ICC Act) should be subject to the supervision of the DPP rather than the Attorney General. These offences are not subject to universal jurisdiction, but extraterritorial jurisdiction based on the residence of a defendant in the UK. Currently, “proceedings” may not be “instituted” in relation to the offences in the ICC Act and in s1, Geneva Conventions Act 1957 (after amendments by the ICC Act in 2001) without the consent of the Attorney General (Section 53, ICC Act; Section 70, 1957 Act). The former DPP said:

“My view while I was DPP was that all decisions about prosecutions should be taken by an independent prosecuting authority, but that is a slightly broader point. At the moment, the Attorney General’s consent is required for these offences, no doubt because of their international elements. For my own part, I would support a regime in which consent is required from the Director of Public Prosecutions rather than the Attorney General.”

**9. I would be grateful if you could explain the Government’s view on the continuing role of the Attorney General in relation to the prosecution of international crimes in the UK.**

**10. Please explain whether the Government has considered whether to use this Bill to rationalise the role of the DPP in relation to these offences, including by ensuring that any prosecution decisions in relation to international crimes are taken by the DPP acting as the UK independent prosecuting authority.**

**11. If not, we would be grateful if you could explain the Government’s view whether this would be appropriate or not.**

It would be helpful if we could receive your reply by 28 January 2011. I would also be grateful if your officials could provide the Committee secretariat with a copy of your response in Word format, to aid publication.

I look forward to hearing from you.

**12 January 2011**

#### **4. Letter to the Chair, from Rt Hon Nick Herbert MP, Minister of State for Policing and Criminal Justice, Home Office, January 2011**

Thank you for the letter of 12 January to the Home Secretary regarding the Police Reform and Social Responsibility Bill. As the Minister responsible for the Bill, the Home Secretary has asked me to reply. I am grateful for the points you have raised and have responded to each in turn.

#### **Parliament Square**

##### **1. Why are these measures necessary and limited to the area of Parliament Square Gardens?**

The Government considers that these measures are necessary in the area of Parliament Square Garden because of the unique characteristics of this area. Parliament Square Garden is a World Heritage Site, situated directly opposite the Houses of Parliament, Westminster Abbey and the Supreme Court. Visitors and members of the public have varying reasons to wish to visit this site – whether as tourists, to see the Houses of Parliament and Big Ben; as a cultural experience, by visiting a World Heritage Site; as an individual interested in the democratic process, by seeing where Parliament is situated; or as someone who wants to express their point of view within sight and earshot of Parliament.

This means that we need to balance competing and legitimate needs of members of the public with members of Parliament who need to be able to carry out their daily work.

As this is a popular place, it is reasonable to ensure a level of control over the use of this space in order to ensure that no one particular person or group of persons can take over the area to the detriment of others.



For example, at present, there is an ongoing encampment in Parliament Square that many people find unsightly. This has the ability to spoil the public enjoyment of this unique location and even deter people from visiting this unique spot.

The Greater London Authority (GLA) has a statutory duty to keep Parliament Square Garden in good order and condition. It has powers to make such byelaws, to be observed by persons using Parliament Square Garden, as it considers necessary for securing the proper management of Parliament Square Garden, the preservation of order and the prevention of abuses there. There is evidence to show that byelaws have been breached. The Government's measures support the GLA in maintaining Parliament Square Garden's recognised status.

**2. Why are existing measures in the Public Order Act 1986, including the ability of police to impose conditions on marches and demonstrations that become violent or which pose a serious threat to public order, inadequate to regulate protest around Parliament?**

The Government does not consider that the existing measures in sections 12 and 14 of the Public Order Act are inadequate to regulate protest around Parliament. The Government agrees with the predecessor Committee (*JCHR 7th Report, 2008-09 Demonstrating Respect for Rights, paragraph 137*) that protest around Parliament should be governed by the Public Order Act, in particular through police powers to impose conditions under section 14. I am not able to provide examples of when Section 14 has been inadequate to protect against public disorder in the area around Parliament as it was specifically disapplied when sections 132 to 138 of the Serious Organised Crime and Police Act (SOCPA) came in to force. On repeal of SOCPA, section 14 will apply to demonstrations in the area around Parliament.

SOCPA powers have proved inadequate to deal with public disorder, which is why the Government is repealing them—recent examples include the Tamil demonstrations in 2009.

The byelaws in place, to secure the proper management of Parliament Square Garden, were shown to be unenforceable during the occupation of Parliament Square Garden by the Democracy Village encampment.

The Government's proposals are intended to prevent encampments and other disruptive activity on Parliament Square. The provisions apply to everyone—not just protestors. The area around Parliament is understandably one of the most protested areas in the country and space is limited for those wishing to protest or simply enjoy the amenities of the Square. The Government is seeking to preserve that space for everyone.

It is also important to note that the predecessor JCHR recognised there may be something different required in relation to Parliament Square, something more than the Public Order Act can currently provide:

*"We recommend that the Home Office, the police, Westminster City Council and the parliamentary authorities should develop alternative arrangements to manage noise levels from protest in Parliament Square, including consideration of whether legislative change is necessary and whether maximum noise levels should be imposed and enforced effectively."* (*JCHR 7th Report, 2008-09 Demonstrating Respect for Rights, paragraph 133*)

The conditions that can be imposed in relation to public assemblies (i.e. static demonstrations) under section 14 of the Public Order Act are limited to those about the place of the assembly, the maximum duration of the assembly and the maximum number of participants. The tests for imposing conditions include the need to prevent serious public disorder, serious disruption to the life of the community and serious damage to property.

Section 14 does not give the police specific powers to limit encampments or noise equipment for public assemblies (irrespective of whether such encampments are related to protest or not) and, therefore, it is not possible to address these current issues in Parliament Square by using only the existing powers under the 1986 Act.

**3. Explanation of reasons and proportionality of proposed measures, particularly in relation to the use of sleeping equipment or amplified noise equipment.**

The Government considers that the unique situation of Parliament, as described above, means that it is justified to have a special regime in place for this small area. The evidence that the predecessor Committee heard, both from members of Parliament and those who work in the Houses of Parliament, about the disruption that encampments outside Parliament have caused to the work of Parliament (JCHR 7th Report, 2008-09 Demonstrating Respect for Rights Chapter 5), provides further justification. It is important to stress that this regime applies to all and not just to protestors. It is accordingly focused on promoting the use of Parliament Square and is not about regulating protest per se. The Government wants to ensure that the area in which the new regime applies is as small as possible so that it targets the problem of the unique situation of Parliament Square, without extending any further than necessary.

The Committee will be aware of both the tents and loudhailer issues from its daily work in Parliament. The Committee will therefore be aware that Parliament Square Garden is not a suitable area to be used for any sort of encampment and that the Democracy Village encampment caused significant damage to the Garden that has required considerable remedial works, during which time nobody could enjoy this unique space.

The Committee will also be aware that Mr Justice Williams in *Mayor of London –v- Rebecca Hall and Others* [2010] EWHC 1613 held, at paragraph 48, that “*I am satisfied that PSG [Parliament Square Garden] is wholly unsuited for camping; there is no sanitation [...] no running water [...] no public toilets open 24 hours daily in the immediate area...no safe means for cooking; a camp site is wholly incompatible with the location; it would deprive the public of the use of the total area of well-maintained lawn and gardens at the heart of British democracy and government and a world renowned WHS [World Heritage Site]*”.

I understand that the Metropolitan Police Service is no longer authorising demonstrations on the footway opposite Carriage Gates due to concerns about the limited space available. In effect, people who wish to demonstrate here are not able to do so due to the presence of the encampment.

The predecessor Committee recognised the concerns about the long term presence of encampments (JCHR 7th Report, 2008-09 Demonstrating Respect for Rights paragraph 134), “*We have heard no good argument in favour of introducing an arbitrary limit on the duration of protests around Parliament, although we note the potential security concerns associated with the existence of the camp [...]. We are also concerned to ensure that the existence of long-term protests does not prevent or deter other people from protesting in Parliament Square.*”

The current encampment is preventing others from exercising their right to protest on the footways around Parliament Square Garden. Additionally, Mr Justice Williams in *Mayor of London –v- Rebecca Hall and Others* [2010] EWHC 1613 held, at paragraph 133 “*I am satisfied [ ...] the use of Parliament Square Garden by tourists and visitors, by local workers by those who want to take advantage of its world renowned setting and by others who want to protest lawfully, is being prevented.*” Prohibiting tents and other sleeping equipment in this limited area will ensure that everyone has equal rights to enjoy that space.

The Government takes the view that there is no legitimate reason why Parliament Square Garden should become a campsite and that the restrictions that apply to anyone (not just protestors) erecting tents or having sleeping equipment are a proportionate manner in which to ensure that it does not become a campsite. Limiting the period for which anyone could erect tents or use sleeping equipment would not solve this since one person could simply replace another person, leading to a permanent encampment manned by different people. The damage to the Garden would remain, as would the problem of the area then being inaccessible to other members of the public.

The Government does not consider that this is a disproportionate interference with either Article 10 or 11, because the restriction is in place for the legitimate aims of “the protection of the rights and freedoms of others” to access Parliament Square Garden, but also the protection of health and the prevention of crime (as noted in paragraph 133 of the HC judgment in *Hall and Others*). The Government considers that, although some individuals or groups may wish to use tents or sleeping equipment as part of a protest, the limitation on this should not prevent the protest itself. On that basis, although it is accepted that it may interfere with Article 10 and 11 rights, the Government considers that, because of the very small geographical area in which this takes place and the fact that this provision does not prevent protest itself (rather it perhaps limits the way in which a protest can be carried out), this is proportionate to the legitimate aims.



In relation to the loudspeakers and other amplified noise equipment, the Government considers that restrictions along the lines proposed are required in order to ensure that the rights and freedoms of others are adequately protected. The Government is concerned for members of the public who should be able to enjoy Parliament Square Garden peacefully; members of the public who wish to demonstrate or protest, either with or without using a loudhailer; and members of the public who wish to go about their lawful business without disturbance, including Members of Parliament. The Government accepts that this restriction can go more directly to individuals' Article 10 and 11 rights as there is a stronger argument to say that using a loudhailer, or something similar, is more commonly a scenario used in exercising Article 10 and 11 rights than setting up a tent. With this in mind, as the Government has no wish to prevent protest around Parliament, the Government has set up an authorisation scheme which enables loudhailers and the like to be authorised. This is considered necessary in order to ensure that that one or two individuals cannot usurp the rights of many others and it does not seem disproportionate for authorities to place limits on duration of use of a loudhailer. The details of this authorisation scheme are set out on the face of the Bill in order to ensure that this is clear and accessible to all.

**4. We would be grateful if the Government would explain why it considers that the breadth of the discretion which it is proposed that GLA, Westminster City Council and the police will have in practice is appropriate and legally certain enough to satisfy the requirement that any restriction on protest be prescribed by law.**

The Government is satisfied that the prohibited activities are clearly set out on the face of the Bill and readily accessible to anyone who may be in the controlled area. In addition, the Government considers it is more proportionate to ensure that, before anyone can commit an offence under these provisions, they must first be directed to remove the tent or stop using the loudhailer. This means that the person, before committing the offence, is warned that what they are doing is prohibited and therefore has the opportunity to stop doing it before any criminal liability attaches. The Government believes this ensures that the offences are both proportionate and enforceable, as they require a police officer or authorised officer of the Greater London Authority (GLA) or Westminster City Council (WCC) to be present at the scene. It also ensures that any particular circumstances of the individual can be taken into consideration, as appropriate in two ways – firstly, it is not mandatory for the authorised officer to issue a direction and, secondly, there is a defence of “reasonable excuse” for failure to comply. The Government considers it appropriate for the provisions to be structured in this way to ensure that they are properly enforced.

**5. Statutory power to use reasonable force for employees of the GLA and Westminster City Council to seize sleeping equipment or to remove any individual who appears to be breaching the prohibition on sleeping equipment or intends to breach those provisions.**

The power to use reasonable force attaches only to the power of seizure—there is not a power in the provisions for GLA or Westminster City Council employees to remove an individual (whether using force or not). The Government considers that a power to use reasonable force is necessary and proportionate in order to ensure that the seizure powers are actually enforceable. Otherwise, it is unlikely that the seizure powers could be used unless the particular items were left unattended. The Government considers that it is right for these powers to be available to all those who are able to issue a direction, otherwise this would require more than one authority to be present for the duration of the direction and any seizure which seems unnecessary, costly and bureaucratic.

**6. Safeguards to ensure that this power will be applied in a way which protects individuals from the disproportionate use of force and respects the individual right to life and the right to physical integrity.**

This power is only available when exercising a power of seizure. In turn, the power of seizure is only available in relation to an item which appears to have been used (or is being used) in connection with an offence under clause 141. The offence under clause 141 can only be committed if a person, without reasonable excuse, fails to comply with a direction given under clause 141. In other words, there are several steps that must be taken before any power to use reasonable force can be used. Therefore, the legislation itself ensures that this power can only be used in limited circumstances and protects against the disproportionate use of the power.

As for the disproportionate use of force, there are two safeguards against this in the provision itself. Firstly the provision makes it clear that the power is to use reasonable force; any disproportionate force is very unlikely to be “reasonable” and therefore not authorised by this provision. Secondly, the provisions make it clear that force can only be used if necessary. Again, this safeguards against the arbitrary use of force. All those who can use the power must abide by the safeguards on the face of the Bill and otherwise risk legal claims for an unlawful use of force. In addition, all those authorised to use the power are public authorities under section 6 of the HRA 1998 and are therefore obliged to act in a manner which is compatible with Convention rights.

On this basis, the Government is satisfied that the way in which the provisions are drafted mean that the provisions themselves guard against any disproportionate interference with both Article 2 and Article 8.

### ***Arrest warrants for universal jurisdiction offences***

**7. Full explanation of the Government’s view that a departure from ordinary criminal procedure is required in relation to the offences covered by Clause 151. In particular:**

- (a) Purpose of the proposed restriction on the power of the magistrate to issue a warrant and reasons that the proposed restriction is proportionate and justified.**

The proposed departure from the usual procedure is modest, affecting a very few cases of crimes under the law of England and Wales committed elsewhere. Unlike the proposal canvassed by the previous Government, it does not abrogate the right of private prosecution in universal jurisdiction cases—private prosecutors will still be able to apply for the issue of a warrant. Moreover, the power of the Police and Crown Prosecution Service (CPS) to investigate and prosecute alleged offences is entirely unaffected.

The Government considers it unsatisfactory that a warrant might be issued in a case where there is no realistic prospect of a viable prosecution taking place, especially in relation to a grave crime alleged to have been committed outside the United Kingdom by a person whose sole connection with this country might be his presence here as a visitor. The proposed change is designed to obviate that risk and is proportionate.

- (b) Explanation of the decision that these provisions are necessary now, rather than when the offences were incorporated into domestic law.**

The problem is that the test applied by the court is much less onerous than that applied by the CPS in deciding whether a case should proceed. It was only after a warrant was issued in a universal jurisdiction case, some years ago, that the implications of that discrepancy became apparent.

- (c) Evidence relating to the Government’s position, including any statistics on the use of the power of arrest in connection with crimes of universal jurisdiction or details of any cases where the Government considers that the existing magistrates’ power has been used inappropriately.**

Information about applications of this kind is not recorded, but staff at the City of Westminster Magistrates’ Court, where such applications are generally heard, are aware of ten applications for arrest warrants in respect of universal jurisdiction offences in the last ten years. It is public knowledge that two of these applications were granted. However, the Government’s argument is not about the number of warrants that have been issued, nor that warrants have been issued improperly. The Government’s concern is that warrants are capable of being issued in respect of grave offences in circumstances where there is no real prospect that a viable prosecution will ensue.

**8. How an applicant will secure the consent of DPP in an ordinary case and safeguards to ensure that the decision of the DPP is taken in a timely way.**

The arrangements for securing consent will be a matter for the independent DPP, who could be expected to be mindful of time constraints in making the decision.

**9. The continuing role of the Attorney General in relation to the prosecution of international crimes in the UK.**

The Government does not currently propose to change the requirement for the Attorney General's consent to prosecutions for certain offences under our law which are committed elsewhere. When granting consent to any prosecution, it is the well-established constitutional position that the Attorney acts independently of Government, applying prosecutorial principles. In cases where he decides to seek the views of Ministerial colleagues on relevant public interest considerations that may legitimately inform his consent decision, such as (if this arose in an individual case) the implications for national security of prosecuting or not prosecuting, the decision is and remains his alone. These are extremely grave crimes of international importance. As a professional lawyer with a constitutional role at the heart of Government in maintaining the rule of law, the Attorney General is well placed to take these decisions with propriety.

**10 and 11. Use of this Bill to rationalise the role of the DPP in relation to these offences, ensuring that any prosecution decisions in relation to international crimes are taken by the DPP acting as the UK independent prosecuting authority.**

For the reasons set out above, the Government does not consider that it would be appropriate to transfer the consent function in relation to prosecution of these offences to the DPP.

I hope this response provides the further information required by the Committee for consideration of the Bill. Should you have any further queries, please do not hesitate to contact me.

**January 2011**

## List of Reports from the Committee during the current Parliament

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### Session 2010-11

First Report	Work of the Committee in 2009–10	HL Paper 32/HC 459
Second Report	Legislative Scrutiny: Identity Documents Bill	HL Paper 36/HC 515
Third Report	Legislative Scrutiny: Terrorist Asset-Freezing etc. Bill (Preliminary Report)	HL Paper 41/HC 535
Fourth Report	Terrorist Asset-Freezing etc Bill (Second Report); and other Bills	HL Paper 53/HC 598
Fifth Report	Proposal for the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2010	HL Paper 54/HC 599
Sixth Report	Legislative Scrutiny: (1) Superannuation Bill; (2) Parliamentary Voting System and Constituencies Bill	HL Paper 64/HC 640
Seventh Report	Legislative Scrutiny: Public Bodies Bill; other Bills	HL Paper 86/HC 725
Eighth Report	Renewal of Control Orders Legislation	HL Paper 106/HC 838
Ninth Report	Draft Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (Remedial) Order 2010—second Report	HL Paper 111/HC 859
Tenth Report	Facilitating Peaceful Protest	HL Paper 123/HC 684

## List of Reports from the Committee during the last Session of Parliament

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### Session 2009-10

First Report	Any of our business? Human rights and the UK private sector	HL Paper 5/HC 64
Second Report	Work of the Committee in 2008–09	HL Paper 20/HC 185
Third Report	Legislative Scrutiny: Financial Services Bill and the Pre-Budget Report	HL Paper 184/HC 184
Fourth Report	Legislative Scrutiny: Constitutional Reform and Governance Bill; Video Recordings Bill	HL Paper 33/HC 249
Fifth Report	Legislative Scrutiny: Digital Economy Bill	HL Paper 44/HC 327
Sixth Report	Demonstrating Respect for Rights? Follow Up: Government Response to the Committee's Twenty-second Report of Session 2008–09	HL Paper 45/ HC 328
Seventh Report	Allegation of Contempt: Mr Trevor Phillips	HL Paper 56/HC 371
Eighth Report	Legislative Scrutiny: Children, Schools and Families	HL Paper 57/HC 369

	Bill; Other Bills	
Ninth Report	Counter-Terrorism Policy and Human Rights (Sixteenth Report): Annual Renewal of Control Orders Legislation 2010	HL Paper 64/HC 395
Tenth Report	Children's Rights: Government Response to the Committee's Twenty-fifth Report of Session 2008–09	HL Paper 65/HC 400
Eleventh Report	Any of our business? Government Response to the Committee's First Report of Session 2009–10	HL Paper 66/HC 401
Twelfth Report	Legislative Scrutiny: Crime and Security Bill; Personal Care at Home Bill; Children, Schools and Families Bill	HL Paper 67/HC 402
Thirteenth Report	Equality and Human Rights Commission	HL Paper 72/HC 183
Fourteenth Report	Legislative Scrutiny: Equality Bill (second report); Digital Economy Bill	HL Paper 73/HC 425
Fifteenth Report	Enhancing Parliament's Role in Relation to Human Rights Judgments	HL Paper 85/HC 455
Sixteenth Report	Counter-Terrorism Policy and Human Rights (Seventeenth Report): Bringing Human Rights Back In	HL Paper 86/HC 111

# Oral evidence

## Taken before the Joint Committee on Human Rights on Tuesday 14 December 2010

Members present

Dr Hywel Francis (Chairman)

Lord Bowness  
Lord Dubs

Mr Dominic Raab

### Examination of Witnesses

*Witnesses:* **Aaron Porter** [President of the National Union of Students] and **Simon Hardy** [Spokesperson for the National Campaign against Fees and Cuts].

**Q1 The Chairman:** Good afternoon and welcome to the Joint Committee on Human Rights and this evidence session dealing with the human rights issues surrounding the policing of the recent demonstrations against the rise in student tuition fees and against education cuts in general. Before I ask the witnesses to introduce themselves, I invite my Committee to declare any interests.

**Lord Bowness:** I declare a slightly indirect interest in that I have a very close relative who is a member of the TSG in the Met.

**The Chairman:** Could the witnesses introduce themselves, please?

**Aaron Porter:** I am Aaron Porter and I am president of the National Union of Students.

**Simon Hardy:** My name is Simon Hardy. I am a member of the National Campaign against Fees and Cuts.

**Q2 The Chairman:** I thank you both for coming before us today at such short notice. Could I begin by asking both of you to give us a brief account, from your own perspectives, of how protests were policed on each of the recent demonstrations? In particular, could you identify examples of good and bad police practice and of good and bad student organising practice? Could Mr Porter begin, please?

**Aaron Porter:** Thanks very much, and thanks also for the opportunity to give evidence here this afternoon. The easiest way for me to proceed is to be clear about the fact that there have been four significant student protests, on 10 November, 24 November, 30 November and 9 December. If time permits, I will briefly outline the key points from each of those in turn.

The 10 November protest was organised jointly by the National Union of Students and the University and College Union. The key points to highlight here are largely around the way in which the numbers surpassed expectations for all of those in attendance. The NUS had been working closely with student unions to try and ascertain the numbers in attendance. Our intelligence had suggested that we were looking at between 17,000 and 20,000 people in attendance. Through that process we had worked closely with the police. We had met with them on a number of occasions to jointly agree the way in which the event was going to be stewarded and policed, and on the

setting of the route. It is worth outlining that we had proposed several routes and the police agreed the final route for 10 November, which went past Millbank.

Clearly there is an issue with regard to getting an accurate assessment of the number of people likely to attend these marches. I think it's fair to say that in a new age where social media largely dictate the way these events are advertised, the number of police in attendance on 10 November did not meet the number of people that we expected. It transpired that around 50,000 people attended on 10 November. The key issue here is around intelligence and how we can work together to ensure that we get more appropriate numbers.

Clearly, there were serious issues of violence that came to Millbank after the protest that we had organised on 10 November. Our stewards had been briefed and they met the requirements of that briefing, but there were suggestions that there were not sufficient numbers of police outside Millbank and perhaps there were question marks around intelligence and the appropriateness of identifying 30 Millbank as a possible flashpoint.

I will move on, with greater brevity, to 24 November, which was an action organised by the National Campaign against Fees and Cuts. It was not organised by the National Union of Students, although many of my members were in attendance. The issue where we have greatest concerns was the use of kettling by the police to constrain those in attendance. I believe that was an unnecessary use of force. I don't believe it was conducive towards helping to manage a calm and peaceful protest. I do accept that, given the events of 10 November, the police would understandably have looked to change their tactics, but I believe that kettling was unnecessary. There are suggestions that there were also horse charges towards certain groups. I was not in attendance personally on 24 November, but I have had reports and it has been suggested to me by some students that there were instances of unprovoked police aggression. Clearly that is something that I would be keen for the Committee to pick up.

Briefly, on 30 November—another action organised by the National Campaign against Fees and Cuts—the biggest concern for us is to be clear about whether the route that was allegedly jointly agreed by the organisers and the police was stuck to. There were

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issues involving protesters appearing to run away from the police. It is important for us to understand what motivated that. I understand that if they were kettled on 24 November, they may have wanted to avoid being kettled again on 30 November.

Finally, on 9 December, two separate actions were organised. There was a lobby of Parliament and a vigil, organised by the National Union of Students and the University and College Union. That passed off without any incident and I am not aware of any arrests. There was a separate march organised by the National Campaign against Fees and Cuts, which went from the University of London union to Parliament Square, where protesters were kettled. Again, I restate my concerns that were evident on 24 November, but I have an additional concern around the intelligence from the police. Given that there had been three previous protests, what steps were taken to identify potential troublemakers? Clearly there were some people who had arrived on each of the protests intent on violence. What steps were taken to remove them to allow those who wanted to protest peacefully to do so?

I apologise for the length of my contribution, but I think it was important to break each of the four up and outline my key concerns with each.

**Simon Hardy:** Before I begin, I would like to draw to the Committee's attention some comments that have allegedly been made by the police, or people who are using an unofficial police blog discussion forum in relation to some comments that I made at a press conference on 10 December. On a website called *inspectorgadget*, which provides a forum for police to discuss their operations and activities, someone posted a video of me at a press conference condemning the police violence against the demonstrators and making various political points about that. The forum then has a number of police—or people who may be police and were using an unofficial police forum—who proceed to make a series of comments about how they would like to hurt me by punching me repeatedly on the floor, stubbing flares out in my face and aiming for my eyes. All this seems to be connected to the fact that they disagree with some of the comments that I made about demonstrators having the right to defend themselves against what I see as illegal and unnecessary police violence. I wanted to bring that to your attention, because it is indicative of some of the problems that we face as protesters in the way that the police treat us and their attitude towards us. I would like to hear from other police in this room on what they think about those comments.

Quickly, I want to start off with a general concern that we have about policing in Britain today, because a lot of the discussions that are happening now, especially the discussions yesterday in Parliament about perhaps using water cannons or pre-emptive arrests of so-called ringleaders before demonstration—

**Q3 The Chairman:** Can I halt you at that point? Could you address the question that I asked you specifically rather than in general terms? It is about the four demonstrations. Time is against us.

**Simon Hardy:** The point I want to make is a brief one, about how and why there are problems with the

policing of the demonstrations. I then wanted to draw that specifically to some of the issues. This is a political movement that has responded and emerged because of what is happening in Parliament and because of the way that people see the Government as illegitimate. People are being radicalised by the actions of the police and by the fact that the Government has basically said that it won't listen to the demonstrators. If we get drawn into an argument that the only way we can deal with these demonstrations is through more hardline policing and violence, that is deeply problematic. I just wanted to draw that to the Committee's attention.

As organisers of some of the demonstrations where there has been quite serious police violence against us, we have some criticisms. Number one, of course, is kettling, or, as the police call it, containment. We obviously have very serious concerns about that. I echo what Aaron Porter said. The excessive, cruel and unusual form of kettling that occurred on 24 November, which saw demonstrators, some of whom were very young, kept in freezing cold conditions on Whitehall until half past nine or ten o'clock, has radicalised people further within this movement. I have been at student organising meetings where we have discussed the 30 November and 9 December demonstrations. The overwhelming feeling from students who came to those meetings is that they did not want to be kettled. They were terrified of it. Therefore they are looking at ways of being able to demonstrate without being imprisoned on the streets by the police for hours on end.

Our second concern is about violence from the police. Numerous videos have already emerged and some eyewitness accounts. I have printed off some emails and newspaper reports that I am more than happy to quote to the Committee, which show the police batoning students without cause, punching students who had their hands in the air, kicking students who were on the floor and making horse charges. There were around 43 protesters taken to hospital on 9 December. One student, Alfie Meadows from Middlesex University, had to undergo a three-hour brain operation after having a stroke after being hit by a police truncheon. This is a very worrying way of dealing with student demonstrators.

There are two quick final things that we also have problems with. One is police covering up their numbers. Video has emerged from the 9 December demonstration of a female police officer in riot gear whose numbers were not on display. Denis O'Connor, the Chief Inspector of Constabulary, told the Commons last April after the G20 that it was utterly unacceptable for officers not to be wearing their numbers, and yet this is still happening. The police also wear balaclavas even when there is no need to do so.

The final thing is lying. The police lied. One of the chief police officers said that there was no horse charge on 24 November. There was. Footage has emerged that there had been a horse charge against demonstrators. They lie when you're in kettles. I have lots of evidence of students stuck in kettles who were told by police to go to the other end where they would be allowed to leave, and then they were not allowed to



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leave. Police told demonstrators a number of different things, and this creates a real sense of mistrust in the police, when they trap people in kettles for so long.

**Q4 Lord Dubs:** Can I turn specifically to some aspects of the kettling that went on? For the sake of brevity I am going to put some of my questions together. Could you say something about the children—that is to say, anybody under 18 who was there? What sort of communication was there between the police and those people who were being contained? Were there any individual requests to be released and how were they handled? What about water, toilets and medical assistance? Lastly, in the statement made to both Houses of Parliament yesterday in relation to 9 December, the Home Secretary said, “A cordon was placed around Parliament Square, but throughout those who remained peaceful and wished to leave via Whitehall were able to do so.” Do you agree that they were able to, or not?

**Aaron Porter:** I should be clear that for 24 November I have to refer to accounts from students I have spoken to who went on the protest, because I was not present on 24 November. I have been told by a number of students who were on the protest that there were instances of aggression from the police to those clearly under the age of 18 and that there was no adequate provision—or indeed any provision—of water or toilet facilities specifically on 24 November. There were serious issues about the nature of the containment or kettling on 24 November.

My understanding is that on 9 December there were opportunities for people who wanted to remove themselves from containment and that was afforded. That would indicate that the Home Secretary’s statement was accurate.

**Simon Hardy:** On 24 November there was no provision for food. The police told the media that they were handing out water to people in the kettle. That wasn’t apparent to me. If they were handing out water, it was not widely known about by the people in the kettle. The police claim to have provided toilets for people. Again, that was not widely known. The toilets might have been there, but no one knew about them. The police weren’t communicating with us adequately. When the chief steward at that demonstration tried to talk to the commander in charge, he said that he was distinctly unhelpful and did not provide her with the information she was looking for.

On the 9 December demonstration, the kettle, which began around half past three, alternated between being total, meaning that no one could leave at any point, and various other kettles being formed where people could leave, but then they would end up in another containment area. I can draw the Committee’s attention to a report from the BBC News website under the headline “Caught up in Demo Violence”. It is an interview with Rachel Bergan from Barnsley, who is 17-years-old. She says that the police let her go out of one kettle. “According to Rachel, after begging in tears to be let out, she and her friends got through one police line but were then halted by another.” She goes on to say, “We were traumatised at

this point. We were crying. We’d been hit by police for just wanting to go home. We were begging to, please, just let us go home. They showed no mercy whatsoever [...] I managed to break away. [When the police came at us again] I was pushed into a ditch by a police officer and when I tried to get out of the ditch he pushed me back in. I turned around to see a group of my friends on the floor getting beaten by police officers.” She described these friends as “17-year-old slim girls” who were beaten with batons by police for trying to leave the kettle on 9 December.

**Q5 Lord Dubs:** My next question is about the use of horses. Could you say something about that? You have referred to them already, on 24 November and 9 December. Were they charging the crowd, or were they simply used to hold the crowd back?

**Simon Hardy:** On 24 November, I was stuck in the kettle. The horses were used slightly further up the road. I didn’t see it myself, but I heard people in the kettle saying that horses were being used. People were outraged. At this point another solidarity demonstration had emerged towards the Trafalgar Square end, with trade unionists and parents who had come down and were concerned about their children. Horses were used. On the YouTube video that I saw, which was taken by a protester, the police moved at speed into the crowd. I stand to be corrected, but I gather that that is not standard procedure. On 9 December, the police again moved their horses at speed into the crowd to break up a mass of demonstrators and then followed it up by hitting people with shields and batons towards one of the exits from Parliament Square.

**Q6 Lord Bowness:** In connection with both 24 November and 9 December, can you tell us what communications you had with the police before the demonstrations? Did you know who your contact points were? Perhaps you could describe how you felt that dialogue worked.

**Simon Hardy:** On the 24 November demonstration, I am not aware of what communications were had with the police. I wasn’t involved in helping to organise that demonstration in terms of what happened in London. For 30 November, I went to Scotland Yard with another student organiser to arrange a route with the police from Trafalgar Square down to Parliament Square. The demonstration did not follow that route because, as the crowd was assembling at around 12 o’clock in Trafalgar Square, a line of police and vans blocked off Whitehall. The crowd reacted to that by beginning an impromptu and spontaneous demonstration that took off down The Mall and then ended up round Victoria and Hyde Park Corner and Tottenham Court Road. That was entirely in response to what had happened on 24 November. People were again terrified of kettling. They saw so many police and they assumed that that was going to happen. There were attempts to negotiate that route with the police in good faith on 30 November, but because of what happened on 24 November, things worked out differently.

On 9 December there were several negotiations with the police about the route of the march. It was

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requested that we should be able to have a rally in Parliament Square. The students felt that it was their democratic right to be outside Parliament as the tuition fee increase was being debated in the House of Commons. We were told that that would not be possible for various reasons, either because Parliament Square was too small for the numbers that the police expected or because the GLA, who I gather owns the patch of grass outside Parliament, was unwilling to remove the fences from the Green because the grass was still growing. This, of course, created a sense of anger from students that the GLA and apparently the police seemed to be prioritising regrowing the grass after the democracy village over the students' democratic right to protest outside Parliament. That is why, when the demonstration got down to Parliament Square on 9 December, students didn't want to carry on to Victoria Embankment, but instead wanted to stay where they were.

**Q7 Mr Raab:** I am interested in the ability to disseminate some of the information about the protests with those participating before and during. In relation to the demonstration on 24 November, we had reports of some groups of students running from one place to another. Was that a tactic, was it something that just happened within the context of the demonstration, is it something that you feel you have no control over? In relation to 9 December, I have a similar question. We talk about the kettling. I understand that that started with the build-up within Parliament Square. That itself, and the protesters remaining in Parliament Square and not moving on along the pre-agreed route, was one of the things that precipitated the problems, whoever's fault they are. I wondered what your views were on the changing of tactics in the course of those two demonstrations and the extent to which that created problems for the police, as well as how you might address it in the future.

**Aaron Porter:** Specifically for the demonstrations on 30 November and 9 December, given the kettling on 24 November, there was significant anxiety that I have been made aware of from students that that would happen once again. A number of protesters certainly decided that they would try to avert that if they saw the police shaping up to create a containment once again. Clearly, I would be of the opinion that the organisers of a responsible student demonstration should try to be as clear as possible that it is vital that those on the protest should stick to an agreed route that has been set before. There is certainly a responsibility on the organisers to convey that message.

I can only speak as being part of the organisation that oversaw one of the actions on 9 December. We felt that we were clear that our protesters had stuck to the route that we had organised, although we were not part of the march that went from the University of London union down to Parliament Square.

In the age where students are largely picking up information about these protests through the internet, we should use information on the protests themselves to make sure that individuals are aware of what the route is and why they should be sticking to it.

**Q8 Mr Raab:** Mr Hardy, can I put the same points to you?

**Simon Hardy:** You are asking about the changing police tactics and how we disseminate information to the demonstration?

**Mr Raab:** For example, on 9 December, we have just talked about the kettling or containment in Parliament Square. That arose, at least chronologically, after the breakdown in the pre-agreed route, which was to move on towards the Embankment. I accept what you have said about the democratic right to protest outside Parliament, within limits, but this went further. The agreed route was breached. To what extent do you guys have responsibility for that practically, either at the outset or as the protest is proceeding?

**Simon Hardy:** We have to be absolutely clear that if the great majority of people on a demonstration want to do something, all the stewarding teams in the world will find it very difficult to stop them. That is effectively what happened on 9 December. The majority of students who turned up on that demonstration wanted to go to Parliament Square.

**Q9 Mr Raab:** Did you actively try to stop them or urge them to carry on to the Embankment along the agreed route?

**Simon Hardy:** In our capacity as stewards, what we could do was very limited. The National Campaign against Fees and Cuts and the other movements that have emerged have limited resources, although clearly the actions that we are calling have popular resonance. In a sense it is an abdication of duty on the part of larger organisations such as the National Union of Students to provide us with the resources and help that we need to facilitate those demonstrations. Unfortunately, the NUS chose not to back the demonstration from the University of London union down to Parliament Square, and instead focused on something on Victoria Embankment, which as far as I'm aware was much less popularly attended. Those are the issues that we have in trying to organise those demonstrations. I want to be absolutely clear that the reactions of the students since 24 November, particularly on the demonstrations on 30 November and 9 December, are a direct response and reaction to what the police did to us on 24 November.

**Q10 Mr Raab:** I think people might have greater understanding that in the heat of the moment certain students reacted to certain specific tactics, but to suggest that the disorder or violence on one protest is a legitimate response to actions by the police on a previous one sounds as though you were coming back for revenge. Can I ask you to clarify that point?

**Simon Hardy:** It is absolutely not revenge. If anyone was carrying out any kind of revenge, it was the police on 24 November, in revenge for what happened at Millbank.

**Q11 Mr Raab:** I am asking you about the attitude of the students in your movement.

**Simon Hardy:** The attitude of the students coming on 9 December was that they wanted to protest. They felt it was their right to go to Parliament Square. They knew that the police would be violent and had been

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violent on previous demonstrations. That is why students started to turn up, for instance, in hard hats. Some students even made shields in the shape of books to protect themselves from baton blows and riot police.

The Committee has to ask itself why. Students weren't doing that at the initial demonstrations but they have started to do it at subsequent demonstrations. There is a cause and effect chain here. We have to understand and appreciate that it is a response to how people view what is happening in Parliament and how people view the actions of the police in particular on 24 November.

**Q12 Mr Sharma:** Everybody who saw the demonstration had mixed views. Do you take any form of responsibility for the disorder that took place? And what lessons have you learnt from 9 December to see that it is not repeated in future?

**Simon Hardy:** The responsibility lies with those people in power for the feelings of students and people who are organising these demonstrations. As far as I'm concerned, students have the right to demonstrate and to protest without fear and without having collective punishment imposed on them, which is what a kettle is; it is indiscriminate in who it traps in a particular area. They have the right not to be charged by horses or to be punched and kicked by men and women in uniform, who in the end have the full weight of the law behind them, whereas 14, 15 or 16-year-old students turning up on demonstrations have violence inflicted upon them by the police, and increasingly so. I gather from an article in the *Telegraph* today that the police want to have an even harder line on the student demonstrations in the future. Our responsibility is to facilitate protest, to make sure that it happens and to defend demonstrations from police violence and media witch hunts. That is what people are concerned about today, because the response of British society and the establishment to these demonstrations has not been very conducive to dialogue.

**Q13 Mr Raab:** I wanted to ask Mr Porter the same question that was put to Mr Hardy about what level of responsibility you felt that you, as one of the organisers, had for the violence that we have seen on some of these protests.

**Aaron Porter:** Clearly, there is a dual responsibility here. Clearly there is a responsibility of the organisers of protests to ensure that there is a mutually agreed route. In the run-up to the 10 November demonstration that we organised, we met three times with the police and agreed a route. We outsourced the required health and safety arrangements and risk assessments to a professional organisation that had dealt with other events previously—Alex Burrow Events Ltd.

The organisers of a demonstration have a responsibility to try to ensure that those on the protest stick to the agreed route and act in a responsible fashion. I believe that we met all those requirements in the organisation of 10 November. I do believe that some people who came intent on causing violence had infiltrated our march on 10 November. It created scenes that were beyond our control, although we had

met everything that we needed to do. I agree with Simon in so far as protesters should have an expectation that they are treated in a fashion that maintains and protects their human rights. I believe that there have been some infringements on subsequent actions, as I have already alluded to, but on the NUS protests we have worked sufficiently closely with the police and had a constructive relationship with them to ensure that we have discharged our responsibilities.

**Q14 Lord Bowness:** We are talking about responsibility. Mr Porter has just indicated a very reasonable sense of responsibility on the part of the organisers. To use words similar to the ones that you have used, given that people have infiltrated these demonstrations intent on violence, leaving aside for a moment the theory about Mr Hardy's reference to 14 and 15-year-olds and their democratic right, do you think it would be responsible to suggest that parents should not bring young children or permit them to participate in something that even you as the organiser acknowledge is likely to be infiltrated by people intent on trouble?

**Aaron Porter:** In truth, we have an unprecedented level of anger about the Government's proposals on tuition fees. Those of school and college age feel most uncomfortable about the proposals. There would equally be something irresponsible about the National Union of Students trying to prevent those people from legitimately voicing their concerns. The responsible thing to do is to have a constructive and honest relationship between the organisers of protests and the police to facilitate the overwhelming majority of people who want to protest peacefully. But I also believe that there needs to be sufficient intelligence to ensure that those who are intent on violence are not allowed on to the protest if, as some did, they come armed with snooker balls, smoke bombs and other things that make the policing for the majority of people incredibly difficult.

**Simon Hardy:** It is wrong to say that we should even consider putting aside democratic rights to protest for school students—

**Q15 Lord Bowness:** Forgive me for interrupting, but I didn't say put it aside.

**Simon Hardy:** You said in theory we should put it aside.

**Lord Bowness:** Mr Hardy, I said just put it to one side for a minute for the purpose of my question. I accept the democratic right. I asked you whether you thought that it might be a responsible thing to do, given that all sorts of people acknowledge that on these demonstrations there are people intent on trouble. I said it was just for the purpose of answering that question. Please don't try and misinterpret my question in a political fashion.

**Simon Hardy:** I reject utterly this narrative that demonstrations are being hijacked by minority organisations. This is a mass movement. It is democratic, it is legitimate and it is increasingly radicalised by what it sees going on in the Houses of Parliament and with the policing of demonstrations on the streets. It is right that school students, college

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students and university students should come on the protest. They should be joined by their parents if they want to come. We have already been joined by trade unionists and pensioners and others. It is an absolute democratic right in this country that we can protest and make our voice heard against injustice that we feel is going on in the House of Commons and the House of Lords.

The police need to ask themselves a question. If they want to make the demonstrations more violent and increase the police repression, it is only a matter of time before we get another Ian Tomlinson or another Blair Peach on the demonstrations. On 9 December, thankfully Alfie Meadows didn't die, but someone in

his situation could be hit by a policeman's truncheon or knocked over by a horse and could be killed on these demonstrations. The responsibility lies in what is going on in Parliament to redress how people feel, how angry they are and why they are demonstrating. It is the responsibility of the police not to criminalise these demonstrations and violently attack them.

**Q16 The Chairman:** Thank you very much. I thank you once again for coming today. I apologise for the short session. If you feel that there are issues that we have not covered, we'd be very happy to receive a memorandum from both of you.

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### Examination of Witnesses

*Witnesses:* **Chris Allison** [Assistant Commissioner, Metropolitan Police Service] and **Sue Sim** [ACPO lead on Public Order and Public Safety].

**Q17 The Chairman:** Welcome. For the record could you introduce yourselves, please?

**Chris Allison:** Thank you. My name is Chris Allison. I'm an Assistant Commissioner in the Metropolitan Police Service. I'm responsible for Central Operations, the Olympics and Paralympics, which means that part of my remit is the policing of public order demonstrations in London.

**Sue Sim:** Good afternoon. I am Sue Sim. I'm the temporary Chief Constable of Northumbria Police and I'm the head of ACPO public order.

**Q18 The Chairman:** Both these sessions will be focusing clearly on the issue of containment, or kettling. This was used by the police on 24 and 30 November and on 9 December. We have evidence that water and toilets were made available to the demonstrators, but would you acknowledge that all the guidelines were not always applied and used? We are aware of the ACPO guidelines in relation to necessity, communication, timescales, differentiation, welfare and release. Notwithstanding the very difficult circumstances, could you give your views on whether those guidelines were always applied?

**Chris Allison:** Thank you. Yes, I will give my views. It is important to stress that this is a Metropolitan Police operation. My colleague from ACPO can talk about the policy side, but I can talk about the specifics of the demonstrations.

I have listened to some of the evidence that I have heard before. You will understand that I may have slightly different views about what has been said. If you will forgive me, can I pay tribute to the men and women who were out on the front line at some of these demonstrations, and those who commanded them, for the way in which they dealt with very challenging and difficult protests? Some of the levels of violence they had to deal with, aimed at them, were some of the worst I have seen in the last 10 years of public order policing. I have been in the service for 27 years.

At the event on 24th we used a policy of containment. That was only put in place after officers at the junction with Parliament Street and Parliament Square came

under attack. A number of protesters there started to dig up or remove all the railings that were around the gasworks at the bottom and started to attack police lines with a view to coming through. Those in command took the view that at that time, if the demonstration was allowed to move on unfettered, given the view that it was going to try to get to the Liberal Democrat headquarters in Cowley Street, we would have seen widespread damage and disorder. As a result they put in place a containment and then, having ensured that it was both necessary and proportionate in the first place, tried to ensure that all the learning that has come out of G20 was put into place. A containment officer, a superintendent, was appointed very soon. As you say, toilets and water were provided. I have an email that came in from a journalist that talks about what he saw on that day. An individual who has been very critical of us in the past says that all the learning was put in place. Access for journalists was given to and through the lines. Vulnerable people were allowed out wherever possible.

I spoke to the superintendent again this morning. He and his staff officer, or his runner as they are called, went into the crowd themselves on a number of occasions to look for young and vulnerable people. A significant number of people were let out of the cordon lines. We appreciate that it took some time to release everybody out of it. They were trying their level best to do it, but the worry was about the disorder that would take place.

Communication with protestors is a key part of this. We fully accept that. As you may recall, having seen the pictures from the first demonstration, the officers in the initial stages were not wearing NATO helmets; they were wearing normal beat duty helmets. Only when disorder took place did they put the NATO helmets on, but as quickly as he possibly could, the superintendent running the containment took the helmets off and put the flat caps back on so they could start communicating with people one-to-one. They tried to use loudhailers—mounted officers with loudhailers and the loudhailers on the tannoy systems on our vehicles. There were some challenges with

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that, because every time the tannoy on the vehicle was used, it was shouted down by large numbers of people in the crowd, but they did try.

In summary, we have learnt a lot since G20. We understand people's right to peaceful protest. We have learnt from all the recommendations from this Committee and from the HMIC report. We were keen to ensure that we put them all into place, and we did on that day.

I shall make a couple of comments about the events on the 9th, which was a very different situation. As you have heard, we were keen to ensure that protesters had their democratic right and came to Parliament. It was an important part of that day. There was a vote taking place in Parliament. We accepted that protesters would want to get to Parliament Square and we wanted to do everything we could to get them here. Equally, we wanted to do everything we could to ensure that Parliament could operate without any interruption and the democratic process could take place.

When the protesters got to Parliament Square, as you have heard there was an incident where the crowd decided that they were going to take over the Green area. As a result, a number of them pushed down the Harris fencing. Then we saw very ugly and violent scenes at the south-east corner, where a significant number of people—this is no longer a minority—tried to force their way through police lines. This was a double-barrier system set up so that we didn't have toe-to-toe police officers and demonstrators. We had double barriers to ensure there was distance between the two so that there could be no allegation or suggestion of police violence, which I entirely refute. They came under attack at that place. Yes, there were people who brought with them snooker balls, golf balls and paint; yes, people used the Harris fencing and various bits to try and force their way through. The pressure was such that they buckled the double fencing so it became a single line and police officers had to hold that for a considerable time.

The crowd then turned their attention to the south-west corner, where they tried to move out down Victoria. The worry for those in command was that they would try and come round the back and attack Parliament down Millbank, again trying to stop the democratic process. While we fully accept people's right to peaceful protest, we do have to ensure that the democratic process can carry on.

At that time people could still leave down Whitehall. There were no cordons down Whitehall at all during those first two pieces of disorder. After a period of the second piece of disorder at Victoria Street, those in command put cordons across all five entrances, but we were still allowing people to leave down Whitehall provided that we were happy that they were non-violent and in small groups, and when it was practicable. If there was a large build-up, we wouldn't allow people to go until that large build-up had gone, because we didn't want, in effect, two demonstrations on two sides of a line of police officers, which became violent.

On that occasion toilets were brought up, but given that there was violence from within the crowd and they were setting light to anything that was inside the

crowd, it was felt not safe to do so. We estimate that at the start 15,000 protesters came into Parliament Square. When we did the final move of protestors at 9pm on to Westminster Bridge to conclude the demonstration, there were only 4,000 there. To us, that shows that this wasn't a containment in the traditional sense. We were allowing people to leave provided that they were peaceful. We weren't holding large numbers of people. Sorry that is a long answer, but I hope it gives you what you are looking for.

**Q19 Lord Dubs:** I wonder if I could pursue the point about the kettling or containment. We have the difficulty that we are talking about four different demonstrations, but was it the case for the last two demonstrations that kettling was planned as a first resort, or was it always a last resort?

**Chris Allison:** Let me give you some reassurance. There were four different demonstrations. The times when it is suggested that we have used containment are the 24th and the 9th. There was a demonstration on the 30th, in the middle of those. On the 30th, right at the end of the demonstration we ended up putting an arrest bubble around something in the region of 200 people and 153 of them got arrested. That's an entirely different matter.

On both occasions, on the 24th and the 9th, when we put cordons around them it was a last resort. When the disorder broke out at the south-east corner of Parliament Square, we left Whitehall open for a good hour and a half to allow anybody who didn't want to be part of that protest and who wanted to be peaceful to leave without any challenge. We allowed that to happen. On no occasion was it a first resort; it was a last resort. We would far rather have people turn up, protest peacefully, have their say and leave the area.

**Q20 Lord Dubs:** What sort of communications were you able to have with the people who were being contained? Did the people being contained know that there was a way out through Whitehall? You say that part of the time they were able to go out that way and part of the time they weren't.

**Chris Allison:** On 9 December, we brought one of our very large warning and informing pieces of equipment up, which has been provided as one of our contingency plans. You can hear in the background, over a very large tannoy system, those in the crowd being encouraged to leave via Whitehall. When the march stopped there and we started seeing the scenes of disorder, you can hear officers on the tannoy system encouraging people to leave the area and make their way down Whitehall to go to where the protest should have ended, on the Embankment.

**Q21 Lord Dubs:** Thank you. What's your response to the comments we have heard earlier today, and on television, that people, including children, weren't allowed to leave and that they were held there in a pretty harsh way?

**Chris Allison:** I would say on both that wherever practicable we allowed people to leave. On the containment on the 24th, one of the key things for Bronze Containment, the superintendent in charge of that, was to try to identify young and vulnerable

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people and get them out. I know he had Jenny Jones, a member of the GLA, watching a whole load of his activity during that time. She witnessed him doing that sort of thing. He was keen to do it. He was making sure that all the officers on the lines were looking for those vulnerable people. Exactly the same is true of the 9th. There may have been occasions when individuals came to the cordon line and said they wanted to go out and were told they couldn't go out at that moment because the area further up the road was not clear, so there were worries about the crowd getting out. But I go back to my earlier comment: over the time that the cordons were in place, somehow about 11,000 people left Parliament Square, which shows that we had a porous cordon in place and we were allowing those who were vulnerable out of that area.

**Q22 Lord Dubs:** In the light of what happened, would you do things differently next time?

**Chris Allison:** We recognise that people have a right to peaceful protest. There are those who would say that maybe we shouldn't have allowed the protest to come to Parliament Square, maybe we should have used different tactics, maybe we should have identified all the people who came intent on causing violence. The challenge for us is that if we had done anything to prevent that protest getting to Parliament Square on the 9th, there would have been those who would rightly have said that we had stopped people having their right to protest peacefully and to be part of the democratic process. Our view was that it was very important that they were able to get here.

So no, I think we would still try to do whatever we could to allow those who want to protest peacefully to do so. I have heard comments in a number of places about our challenge of identifying those who are clearly violent and want to come on these protests to commit violence. It is slightly difficult. There is a big investigation going on in relation to all four protests. While I am sure there are individuals who are at the extreme end of radicalisation and there are people who come with the intention of committing acts of disorder, the sad fact is that the majority of the people we have arrested for some very serious offences until now have been students. If they end up being charged with those serious offences, this will change the rest of their lives. These are people who we probably wouldn't have identified at the start of the protest as being likely to get involved in acts of disorder, but for one reason or another they have done and as a result of that they will probably pay the price for the rest of their lives. Our view is that that is very sad. We want people to come and protest peacefully, but I will not and cannot accept that in some way the tactics that we have used justify violence by any person. They do not justify violence against property or against police officers. We are there to facilitate peaceful protest. We have not been attacking protesters. We have been defending lines wherever we've had to do it.

**Q23 Lord Bowness:** You will be aware that there has been criticism of the decision to contain or kettle the demonstrators despite their relatively young age and the presence of many children. It must be difficult, but

do you have an option of tactics? Does the age of the demonstrators affect the tactics that you choose when policing a protest? Is there a different strategy when a large number of children are present? Part of the same question is how did officers on the cordon deal with parents who arrived asking for their children to be released from the containment? I won't ask you to comment on why they had their children in the containment when they were on the outside.

**Chris Allison:** On all these things, we look at who we are dealing with. We have to in any event. Once disorder has broken out, irrespective of the age of the crowd, we have a duty to ensure that we manage it as best we can. Then we have a duty to try to protect the vulnerable as quickly as we possibly can. That was in the minds of the Bronze Commander and the Bronze Containment on the 24th, when there was talk of there being a significant number of younger people there. We brought large numbers out because they were encouraging them to come out. We acted wherever possible when parents came up or reported stuff to us. I dealt with one individual who rang me for advice about some 15-year-olds who were caught inside a containment. They were in school uniform. I told that person to tell them to go to the front line, where the police officers were, identify who they were and they would be allowed out. That is exactly what happened. It is a challenge, because sadly, some of these people, even at 16 or 17, became involved in disorder. Not all of them did; in fact the vast majority won't have done. Unfortunately, violence and disorder doesn't just kick in at the age of 18; for some people it kicks in a bit younger. Our job is to try to manage these protests for the benefit of everybody, while recognising that we need to protect the vulnerable during that time.

I sat at the debrief on the night of the 24th, in the early hours of the morning of the 25th. I looked in the eyes of the officer who had run that containment. He had worked his socks off that evening to try to do it as quickly as he possibly could, having made sure that all the lessons from G20 were included and trying to make sure that he got vulnerable people out of there. I could see the passion in his eyes.

**Q24 Lord Bowness:** Can I go on to the use of horses? You will know that there are conflicting reports of whether horses were used to charge demonstrators on 24 November. There is some video evidence that confirms the use of horses. Can you comment on the use of horses on that day? If the horses were charged at protestors, how does that fit with the need for policing tactics to be proportionate to the protests? Was the use of horses part of the strategy for dispersing the protesters at the end of the containment? Could I ask you to comment generally on the use of horses? Charging is a remarkably emotive word. If you use it in an old-fashioned military sense, it is people with drawn arms advancing to and into the enemy, or the crowd, or whatever the scenario is—the enemy in a military scenario, but the crowd in a police scenario. Horses, even trotting, in terms of moving people back, is a different situation. It would be useful if we understood the language that we are using when we talk about charging.

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**Chris Allison:** We certainly don't use that language at all. What you are talking about is an active advance. I shall talk you through how we use horses in public order. They are a very valuable commodity, not just in public order but in general policing. They are out there and visible and people see them. We use them regularly at football matches to manage crowds. We use them in a number of ways. At football matches you will regularly see them mingling with crowds as the crowds build up on the approach to a game. You'll see them occasionally being used to block roads. If you've ever been to Wembley and gone down Wembley Way, we manage the crowds going into the tube station by having six horses that are parallel to the crowd, and then they turn across the crowd. That is a non-threatening way to hold the crowd back to allow us to clear the platform until the next lot go up. We'll also use the horses in more challenging situations to hold lines. That's what you saw on 9 December in Victoria Street. When the first line of officers came under attack, they were reinforced by a mounted group who came up to that junction and in effect took the front line. On occasions, they would walk their horses into the crowd. Am I going to say that a horse is always perfectly under control? Sometimes when people throw some of the missiles and flares that we saw being thrown at them, the horses will rear up and then go back, which is a danger for the police officers who are in and around the area. That's where the horses were holding that particular line.

The active advance took place on 24th. We had a containment at the bottom end of Whitehall. Those managing it were trying their best to get rid of people and release them out of the cordons as quickly as they possibly could. North of that cordon was another group of protesters. I heard Mr Hardy talk about them as people who had come down and were being very supportive. A significant number of those people were being exceptionally violent. They were the very violent ones. A superintendent was responsible for moving that cordon up to the top of Trafalgar Square to enable us to release people from the cordons within the containment. But we can't release them when they've got nowhere to go, so we needed to clear that particular area. He moved them forward and after a while the violence was such on the level 2 officers that he had to bring the horses through, round the side of the line and the horses would walk through the crowd and would then come back the other side. The officers would take up and move it forward again.

When they came to the junction with Horseguards Avenue, there were concerns that a number of demonstrators who had been very violent went round the corner. There were roadworks there and they were picking up missiles. The officers at this time were not in possession of shields; they were just in public order equipment. He took the view that at the appropriate time, to get them past that junction so that they crowd couldn't arm themselves with missiles, it was right to use an active advance. An active advance is a line of horses some considerable distance behind the police line. They make their way up to the police line, at a trot. The police commander shouts "split", the police line splits and the horses go through the line. As they

go through the line, they stop trotting and they slow down. It is very rare that we do this. We only do it when the crowd have somewhere to go to and the horses are not going to cause serious injury to individuals. By what I have seen and heard in the reports, they didn't, but we managed to achieve our end, because the protesters, seeing the horses, didn't want to be there any more, so they moved significantly faster northwards up Whitehall. As a result, we were able to take that junction and prevent them getting hold of the missiles. That is the one occasion that I am aware of when we used it. It is not a charge; it is an active advance. It is an ACPO-approved tactic that thankfully we rarely have to use, but it was used on that day because of the violence that the officers were dealing with.

**Q25 Mr Raab:** On 9 December, in relation to the planning you put in place and the communication you had with the organisers, did you discuss and think through a sliding scale of response measures? I am wondering what the concrete alternatives are to containment, given the situation that arose and what the risks were of not putting that in place. You have talked a bit about Cowley Street and the intention of the protesters to head down there. I wonder whether you could give us a clearer indication on both of those points.

**Chris Allison:** The alternative to containment is dispersal. Our sincere hope on the 9th was to get the protesters into Parliament Square so that they could say that they had been a part of that democratic process and they had their right to protest peacefully. We allowed them to go there. As I have mentioned earlier, our lines came under attack as a result of them deciding that they were not happy with where they were and they wanted to get into Parliament. I have no doubt that if those officers hadn't bravely defended the line, people would have tried to force their way into Parliament that day.

We put the cordons across the top of Victoria Street to stop a similar group going down Victoria Street and either coming round the back and returning via Millbank, which again would have seen significant challenges for us and significant disorder, or potentially even worse, as we have seen in other protests going back to 1993, 94 or 95, when you disperse people who have already become disorderly through an area of shops and high value property, they are willing to commit more acts of disorder, even if they break into smaller and smaller groups. Once that violence has boiled over, people feel empowered to do it. Those in command were concerned that you would have ended up with widespread disorder taking place, with shops being smashed and potentially people having a go at the glass on the BIS building, No. 1 Victoria Street.

When disorder has broken out, the alternative to containment is dispersal. The history of when you do dispersal in an area that is full of shops and property that doesn't belong to the people involved shows that they are quite willing to commit acts of disorder and damage it. That is very different from some of the challenges my colleagues face when they are dealing with disorder from people who are living in their own



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environment. You can disperse groups of people who are in their own environment, because generally they don't damage their own environment. My colleagues in Northern Ireland, who had to deal with this for a number of years, found that people don't generally burn down their own houses, but if there is a shop there that doesn't belong to them and disorder has already happened, they are more willing to do it. I am not saying this is everybody, but sadly, we have seen over these protests that it is no longer a small minority but a significant number of people being willing to commit those acts of disorder.

**Q26 Mr Raab:** On the 9th, the route was agreed and much of the problems seemed to arise when, rather than travelling along the route, the protest remained in Parliament Square. I wondered who you felt was responsible for the breach of the route. Was it isolated individuals or was there a concerted effort to remain there? Do you think the organisers bore responsibility? Related to that, once that happened, what contingency planning had you put in place? Is that when, in the commander's mind, containment comes into play? Do you have any other contingency planning for breaches of route?

**Chris Allison:** On the day, we sincerely hoped that everybody would follow the agreed route. I am not into the blame game. It has been said in this Committee and other Committees I have been to before. This is about the police service and the organisers working together. That's why, at that particular point, we ensured there was a PA system that we could use to encourage the crowds to make their way down the agreed route. That was used on a number of occasions. It is the responsibility of the organisers to ensure that they follow the agreement and that they put in place the necessary resource on their side by way of stewards and others to try and encourage people to follow it.

I have to pay tribute. On 10 November, the very first protest, which was a challenging day for a number of people, some of the stewards who were employed were absolutely magnificent. They tried their best to step in and to encourage people not to commit acts of disorder around Millbank. Stewards can work. I have seen it happen on a number of protests. There is an onus on the police service and the organisers to make sure that we fulfil what we have agreed. Sadly, on that day the protesters didn't. Sadly, they stayed. Our job then was to manage it.

Obviously, our contingency plan was that they were not going to leave Parliament Square, they may not go down Whitehall and they may not go to the Embankment. As far as we were concerned, our contingency plan was that if they went to Parliament Square and stayed there, provided that there were no acts of disorder, that was fine, because they would be peacefully protesting and we can manage that. We have to manage the traffic around and manage Parliament to ensure that it can still operate, but the contingency plan is that we have to manage it and then try to encourage them to go. We only ended up putting in the cordons after we came under attack. It is important that I say this. Police officers were standing behind double layers of barriers. They came under

attack. They had to defend those lines. It was not any form of aggression from the police service.

**Q27 Mr Sharma:** You answered the question on the kettling procedures adopted. Surely many organisations that work with young people are very concerned that under-18s, who were exercising their right to freedom, were seriously subject to kettling procedures. What steps were taken and how can you explain that you have fulfilled your duty under Section 11 of the Children Act 2004?

**Chris Allison:** I talked about the passion that I saw in the eyes of the Containment Bronze officer who had looked after it. He worked very hard to ensure that every officer on every one of those cordon lines understood their responsibilities in those circumstances. We didn't want to put containment in, but we had to as a result of the disorder and our fear of what would happen. Because we put that containment in, we had to ensure that we were looking for vulnerable people. They could have included people of all ages, but certainly children. He encouraged them to talk to people by taking their NATO riot helmets off and putting their caps back on to explain to people. He personally walked into the crowd on a number of occasions, despite there having been severe violence. He had de-escalated it by taking the NATO helmets off when the violence stopped to ensure that we were able to communicate better. The fact that he and his runner walked into the crowd themselves looking for vulnerable people gives a good example of extent that we were going to try to ensure that we were doing everything that we possibly could.

As I have said to this Committee before, the policing of public order is not an exact science; it is very challenging. We will look at every event and see if we can get it better. Our desire in all of this is to have a peaceful protest where people come, they say their piece and then they go home. That is what we would like on every occasion.

**Q28 The Chairman:** Thank you very much for your evidence today. We haven't covered everything. There are particular issues that we would like to have covered, but time is against us. However, we will write to you specifically on four issues: police intelligence; use of batons; treatment of disabled protesters; and the covering of police numbers. As we said to our earlier witnesses, if there are other issues that you would like to raise with us, we would be very pleased to receive a memorandum from you.

**Chris Allison:** I will certainly write back to you on all of those. Can I just make one point about covering up numbers, because this is an important issue of confidence? As soon as that matter was brought to our attention, it was given to the Directorate of Professional Standards, who are still looking into it. There is an explanation that sits behind it. We are working our way through it. It came out as a recommendation from this Committee, from the Home Affairs Select Committee and from HMIC and we have been at pains to ensure that every officer out there is wearing the numerals. We must have deployed something in the region of 8,000 officers on the streets

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during these recent demonstrations. I am aware of only one incident. The officer had been wearing her yellow tabard over the top of her protective equipment. That was not flame-retardant. As flares were being thrown at police officers, they were advised very quickly to take them off, because if they caught fire it could have caused them serious injury. As a result, because of the pressure of time she did not remember or get time enough to move her epaulettes on to her flame-retardant clothing. She is the only one that we are aware of. That is still being investigated by the Directorate of Professional Standards in the organisation. The commissioner and I have made it quite clear that officers will wear

identification at all these demonstrations. I am not making an excuse about this episode, but the fact that there are no other reports at this time shows the extent to which intrusive supervision has been put in place by the service. We are determined to ensure that officers are accountable. They accept that they are accountable and therefore they will wear identification.

**The Chairman:** Thank you very much. In closing this session, I convey the good wishes of the Joint Committee on Human Rights to everyone who was injured, both protesters and police officers. Our very good wishes go to them for a speedy recovery.

**Tuesday 1 March 2011**

Members present:

Dr Hywel Francis MP  
Lord Bowness  
Baroness Campbell of Surbiton  
Lord Dubs

Dr Julian Huppert  
Lord Lester of Herne Hill  
Mr Dominic Raab

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**Examination of Witnesses**

*Witnesses:* **Nigel Stanley** [Head of Communications, Trades Union Congress] and **Carl Roper** [Head Steward for the March for the Alternative, Trades Union Congress]

**Q29 The Chairman:** Good afternoon and welcome to this session of the Joint Committee on Human Rights, which is dealing with policing and protests, with particular reference to the TUC demonstration on 26 March. For the record, could you please introduce yourselves?

**Nigel Stanley:** My name is Nigel Stanley. I am the head of campaigns and communications at the TUC.

**Carl Roper:** Good afternoon, my name is Carl Roper. I am the TUC national organiser, but will be the chief steward on 26 March.

**The Chairman:** Thank you very much. For the record, I declare an interest. I worked for the TUC in 1971–72. Are there any other declarations?

**Lord Bowness:** I have an indirect interest, in that a close relation is a Metropolitan Police officer.

**Lord Lester of Herne Hill:** I have lectured under the auspices of the TUC but not been paid for it.

**Q30 The Chairman:** Could I begin by asking a very simple question? How many people do you expect to participate in the march on the 26th?

**Nigel Stanley:** We do not really know the answer to that question, but our planning assumption is between 100,000 and 200,000. That is not a prediction; it is simply our planning assumption for the kind of infrastructure and arrangements that we need to make.

**Q31 The Chairman:** Given what happened before Christmas, when numbers far exceeded expectations, do you have any plans to take account of that?

**Nigel Stanley:** We are looking at how we would expand the area for assembly and form-up. There is a big difference with the events before Christmas, in that we are doing it at a weekend. We have a very clear route and there is much more scope and flexibility to organise around that. We have a meeting with the Metropolitan Police on Thursday morning when we are going to talk through a lot of the contingencies and the plans for the form-up.

**Q32 The Chairman:** We will be asking questions about your relationship with the Metropolitan Police. In the context of what happened before Christmas, have you had any discussions with the National Union of Students and learnt anything from their experiences?

**Nigel Stanley:** We have also organised a joint event with them in Manchester just after Christmas, so we have talked to people at the NUS. There is a big difference between our event and the events that were organised by the NUS and by the more unofficial

student movements. First of all, we have been working on this plan for a very long time. We had our first meeting with the police before Christmas. Secondly, it is taking place on a Saturday, which is rather different from organising something in London midweek. We are training a lot of stewards and will have it effectively stewarded. It will be a rather different, more mixed, family kind of attendance at the event, which will give it a different atmosphere. I was not at the student events, so I cannot pass detailed criticism on anything that might or might not have happened, but I know the kind of discipline that you expect from trade union organised events and the wide range of ages that will go, so people are much less likely to get over-excited by events. We basically think that the major planning obstacle to us is the number attending rather than any potential for the kind of difficulties that we saw before Christmas.

**Q33 Dr Huppert:** Thank you very much for coming. Can I come to the idea of communications with the Met Police? You say that you have a meeting on Thursday and you have had some before. How good would you say that communications are?

**Nigel Stanley:** Pretty good. We have two meetings this week with the Met and we had one last week. We had another meeting with some officers last week. In general we have a good working relationship. I think we have a shared objective of making it happen smoothly in a way that is safe for everyone participating, allowing us to make our point, but with us accepting responsibility that goes with bringing a large number of people to central London.

**Q34 Dr Huppert:** I am glad to hear you say that. We will be talking to the Met a bit later. I hope they will say the same. What have been the main issues about the march that you have raised with the police or that they have raised with you?

**Nigel Stanley:** They are mainly a lot of detailed logistical issues. What arrangements we make for the disabled is an important issue that we have been trying to resolve. What do we do with all the coaches that are coming into London for it? They are at that kind of logistical level. How should we train our stewards and what input can the Met make on that? They have been very helpful with that. It is the nuts and bolts, logistical stuff, really. The amount of planning that goes into an event this size involves looking up how many toilets we need to put in Hyde Park. It is a fairly major logistical exercise.

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**Q35 Dr Huppert:** You would be happy to say that the Met Police are doing what they can to facilitate your march?

**Nigel Stanley:** Yes, on the whole. There are some issues where we would have liked to have got a bit further and perhaps some where they would have liked us to go a bit further, but it is a good, constructive working relationship. We have tried to resolve issues together and I think on the whole we have.

**Q36 Mr Raab:** Mr Roper, can I ask how, at a general and at a practical level, you see your responsibilities in relation to the march, and in particular to keeping good order?

**Carl Roper:** That has been one of the issues that we have had to establish when we have asked people to volunteer as stewards, setting a level of expectation with people about what they are required to do. I have a very clear idea that the different groups of stewards have quite different roles that we need them to play. We have got a structure of stewards with a number of roles.

We have the most basic role of the travel steward. They will be on every coach or train that is coming into London on the day that has been booked especially for the march. They will have information for people on onward travel details once they arrive in London and information on what to expect when they get down there.

Then we have route stewards. They are the bulk of the stewards. They will be made up of volunteers who are able to sign up via the TUC website and union stewards, who have been recruited by trade unions. We have been very clear with them that their job is to keep the march moving. We do not want gaps in the march and we want to get people as quickly and safely as possible through the route and into Hyde Park. They should also be points of contact for marchers and for the next level of stewards, who are the senior stewards. They are the key group, because they are going to be divided up into senior steward teams who will, in effect, almost run certain parts of the march. The key aspect of that is that we have split the route up into three zones. Each zone is going to be run by a team of senior stewards who will, in effect, line the route, so there will always be a group of people there. That almost self-policing of the march, with people always having someone to go to for information, advice or help, coupled with the police operation on the day, gives us a framework that will do the job.

**Q37 Mr Raab:** You have talked about the plans and what you hope or expect from those who are coming along to the march and who have planned the march. As a matter of contingency, what would the operational stewards' tactics or response be if, for example—thinking back to problems that we had on the previous marches in November and December—the march stops, and/or you have groups of troublemakers who are infiltrating an otherwise peaceful demonstration? What do the stewards do at that point?

**Carl Roper:** That is an important issue. To be fair, lots of people who have been thinking about becoming

stewards have asked themselves that. Within each zone that the march passes through there will be a team of mobile senior stewards who will almost act as negotiators if there is any low-level disruption of the march. The example we have been using is a group of people who decide to sit down and do not want to be moved. The first thing we will do is get a group of senior stewards to come down and try to negotiate with them to stand up. They will talk them through it. But at the same time we will use some of the route stewards to lead the body of the march round the obstruction.

If anything gets fairly heavy or towards violence, we have asked our route stewards to report it to the senior steward, who will then liaise very quickly up the chain of command. I will be working very closely with one of the commanders from the police on the day. All our deputy chief stewards in each of the march zones will be partnered up with a member of the combined system from the police, so it will be very easy to get this information up through the chain and make decisions. They are sort of there to cut through all of the planning speak. We are not asking any of our route stewards to deal with violence. We have been very clear that anything that gets violent is clearly an issue for the police. The police have given us very good advice as well, in that the low level stuff is best dealt with by us. Sometimes, for some people, the police getting involved can ratchet up the tension a little bit.

**Q38 Dr Huppert:** I am very interested in the stewarding structure. You have clearly thought a lot about it and have quite a lot of people there. I believe you are still recruiting for stewards. Ultimately, how many stewards do you expect to have for this march?

**Carl Roper:** We have set ourselves the target of around 2,500. That is a combination of route and senior stewards. We reckon around 300–350 will be senior stewards. That is what we are aiming for. You have to remember that it is voluntary. People will sign up and come along for training, but on the day is when we will truly find out the number.

**Q39 Dr Huppert:** But you would expect to be able to train every one of these 2,500 people?

**Carl Roper:** We have to be realistic about the level of training. The system we have employed is that when people sign up to be a route steward they get a choice. They can either attend a physical training session, which in effect is a three or four-hour briefing on their role in the march and covering issues that I have just described to your colleague and the steward structure. The senior stewards are going to have a day's training at the TUC. The first one is next week. There will also be a briefing for them on the morning of the march. For those route stewards that can make it there will be steward deployment / briefing points along the Embankment between 9.30 and 10.30. A lot of our route stewards will be travelling to the march with other groups of marchers, and they will be deployed on the morning of the march.

**Q40 Dr Huppert:** That sounds like a well thought-through structure. I am quite impressed. Can you help me to understand how communications between

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people will work? Will all the senior stewards have radios, but the route stewards would not?

**Carl Roper:** Yes. The route stewards will not have radios, but we reckon that with about 220 we can get a route steward every 70–100 metres throughout the route. We may need a few more than that. All the route stewards and the deputy chief stewards will have radios.

**Dr Huppert:** By route stewards, do you mean senior stewards?

**Carl Roper:** Senior stewards, sorry. Senior stewards will have radios.

**Q41 Dr Huppert:** If the police found, for some reason, that they needed to relay instructions or communications, could they do that easily through your system?

**Carl Roper:** Yes.

**Q42 Baroness Campbell of Surbiton:** I am quite interested in mobility and transportation. What are your current plans for arriving by coach? I note that people are going to be dropped off outside central London and make their way to the march. We are quite aware—I am certainly aware—that this makes attendance more difficult for those who are elderly or disabled or for women with large families. Was this decision made by you or was it a recommendation by the police?

**Nigel Stanley:** I think it would be fair to say that it was a joint decision. We are very conscious that as soon as you get to a certain number, if you try to get all those coaches into central London the result is gridlock and it is even harder for people to arrange a pick-up afterwards. Even if they can drop off, finding somewhere for the coach to park and for the location of that coach to be known to people is a problem. We were talking earlier about someone telling us how they got stuck for seven hours in a coach in Park Lane after a Stop The War demonstration. We do not think that is the right way to organise these things.

Our arrangements for coaches are that we have identified a ring of coach parking places around central London. For coaches coming in from the east and the south-east, they include the ExCeL coach park in east London, but coaches will be dropping off at Canary Wharf or Canning Town on the Jubilee Line, which takes you through very quickly to Southwark or Waterloo, which are the only step-free stations near to the assembly point. For coaches coming from the north and the west, the coach park will be Wembley. Coaches will be able to come in much nearer to drop people off, although people will need to go back to Wembley because we cannot identify another way round that. More recently, we have identified a significant amount of parking for 300 or so coaches at Battersea Power Station and New Covent Garden, so coaches coming from the south and the south-west will be able to drop possibly at Vauxhall or other locations and then park in those two locations.

That allows us to make some better arrangements for vehicles bringing disabled people to the march. We have three different arrangements for people with disabilities to participate in the march. For those who are able to do the whole march in some way, we have

a special assembly point at Savoy Street, which is towards the front of the assembly point and has access from The Strand. Vehicles will be able to drop people there through to about 11.30 or so. Then there is an assembly point in St James Street, just to the south of Piccadilly, which will allow people to join the last half-mile or so of the march, for those who can walk but do not want to hang around the whole day and do the whole three and a half miles. We are also arranging a static demonstration point for people who do not want to travel any distance but can show their support, which will be around the entrance to Hyde Park, around the bottom of Park Lane. We have not identified the precise spot yet, but it is clear that there will be a place there where people can be seen by the demonstrators and can see the demonstration as it comes in. We are arranging some vehicle access into Hyde Park for that. There is a certain limit on that, because Hyde Park does not have much in the way of roads, but as long as people tell us in advance, we are hoping to arrange access around that. We are going out of our way to try to welcome people with disabilities and provide as many facilities as we can, which is not everything but to some extent that is the nature of the event. There is disabled toilet access at all those assembly points as well.

**Q43 Lord Dubs:** I think you have partly answered my question, but let me ask it again just in case there is more to be added. Is it possible that people might infiltrate what is, on the face of it, a very well organised march in order to use it for other ends, possibly violent ones? Have you taken that into account?

**Nigel Stanley:** Yes, of course it is possible for people to infiltrate it and turn up. I do not think we see this as a particularly big concern. Our analysis of what went on at the student marches was that there were very few initial troublemakers, but people got caught up in the atmosphere. They went along with no plans to get caught up in such events ended up doing so. The atmosphere of our event is going to be very different. If anyone starts that kind of thing, they are going to meet instant opposition from the majority of people there, because they are there for a safe, well organised TUC event. So the atmosphere is going to be very different.

Of course, if people come along absolutely determined to break the law, that becomes a matter for the police authorities, but we think we are doing everything we can to isolate people and ensure that they remain without any support on the day. There is a minority of people who think that the biggest obstacle to social advance is the trade union movement because it holds them back from what they want to do, but there are not very many of them and on the whole trade unionists know what to say to such people.

**Q44 Baroness Campbell of Surbiton:** We have talked about transport. You obviously have a very inclusive plan there. I would like to talk a little bit about health and safety and individual help. What advice are you giving to those who you are encouraging to participate about what they need to

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bring with them to be safe throughout the day? I am thinking about food and water and not forgetting to bring your medication because you could be there for a long time. Are you giving people good health and safety advice?

**Nigel Stanley:** We will be doing that. We have not done it yet because we are not close enough to start doing that, but we will provide that kind of advice for people on the day. You have almost identified our checklist on it. Bring a packed lunch, bring some water and bring any medication. We will have first aid facilities. We are working with St John Ambulance on the day to provide those. There will be St John Ambulance towards the front of the march and one bringing up the rear. There will be separate St John Ambulance facilities in Hyde Park and there will be trained first aiders along the route of the march.

Because this is going to be a big event, we hope that we can get these messages into the media as well so that people coming along who might not have that much connection with the TUC or trade unions are likely to read that kind of advice in the kind of newspapers that people who come along to demonstrations read. There is other advice as well. We are definitely saying to people who are coming under their own steam to think about getting there a little later and not trying to get there at 11 o'clock. That deals with some of the problems of forming up. Having everyone on the march there at exactly 11 on the dot will cause much more problem than if a lot of people accept that they are going to join the demonstration at, say, 1 o'clock and be towards the end of it. Half the demonstration will have moved away by then. That way we get a better flow and we keep the crowd numbers down.

Of course, we have proper health and safety risk assessments for the event as well, because we need that for insurance purposes. There are particular hazards that we have identified and we will need to work through some of the solutions when we talk more about the form-ups, such as the need to use the Blackfriars underpass, probably, and things like that which present particular problems. We are aware of all those. The event is just under four weeks away. We have not answered every question about that, but we have them on our list of things to do before the event.

**Q45 Baroness Campbell of Surbiton:** And of course you want the involvement of older and disabled people. Is there any special assistance? Have you thought about what will need to be done for stewards to communicate with some disabled people? Do you have sign language interpretation?

**Nigel Stanley:** We are going to have some sign language interpreters. We are certainly providing that on the big screen for the rally in Hyde Park.

**Q46 Baroness Campbell of Surbiton:** And the training of stewards, in case people get into difficulties?

**Nigel Stanley:** That includes that.

**Carl Roper:** The training materials that we use were checked over by the relevant TUC policy officers, who serve as our disability committee. We have a final planning meeting tomorrow for the training that the senior stewards will be undertaking. Again, we have the relevant officer from the TUC there making sure that those materials are fit for purpose in respect of the kind of people you have referred to.

**Q47 Baroness Campbell of Surbiton:** And if things should get out of hand, have you covered lifting, handling and those sort of things?

**Carl Roper:** I guess that is the type of information included in the materials for the route stewards. Remember, we will be saying to some people that there are certain things that we do not want them to do, because we want people who we have been able to train more adequately to deal with that. The issue with the route stewards is that it is a volunteer role and we cannot necessarily get them in to attend that level of training, but certainly the senior stewards who we will have with us for a day will be able to cover that issue in a bit more detail.

**Q48 Lord Lester of Herne Hill:** Will you be giving advice about alcohol?

**Nigel Stanley:** We have not discussed that, is the answer. We are certainly not serving any or encouraging that and if anyone asked us we would discourage people from bringing any alcohol. People are not allowed to bring it into Hyde Park. You have raised a good point, which we will take on board.

**Q49 The Chairman:** Could I end by asking perhaps the most controversial question? Have you had discussions with the police about the matter of containment or kettling?

**Nigel Stanley:** No, we have not felt the need because we do not think we are doing anything that would require those tactics. It would only arise if people did things outside our route and our plans. We are clear that we are organising a march along an agreed route from the Embankment into Hyde Park, where there will be a rally. We take our share of the responsibility for organising that, but anything that happens off piste, as it were, is not our responsibility. We do not take responsibility for that. We do not see how kettling would be relevant to anything that would be likely to occur on our march. As I said, our contingency planning is focused on the things that we are most concerned about overcoming, which is simply the challenge of the numbers attending rather than those kinds of difficulties.

**Q50 The Chairman:** Have we covered everything? Is there anything that you wish to add to your answers?

**Nigel Stanley:** No, I think you have given us as comprehensive a grilling as we would expect from a TUC committee.

**Carl Roper:** I have just been in front of our disability committee, so we have got off lightly this afternoon compared to that one.

**Lord Dubs:** Wait until next time.

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**The Chairman:** Thank you for your very comprehensive answers. I am sure that I speak on behalf of everyone here when I wish you a very peaceful and successful demonstration on 26 March.

### Examination of Witness

*Witness:* **Jo Kaye** [Assistant Inspector, Her Majesty's Inspectorate of Constabulary].

**Q51 The Chairman:** Good afternoon. Could you introduce yourself for the record, please?

**Jo Kaye:** My name is Jo Kaye. I am Her Majesty's Assistant Inspector of Constabulary and I work to Her Majesty's Chief Inspector, Sir Denis O'Connor, on matters of public order.

**Q52 The Chairman:** Thank you very much. Could I begin by asking you how the plans are going for this particular demonstration and how good the relationship and liaison is with the TUC?

**Jo Kaye:** I have not had an opportunity to examine the plans for this demonstration, but the evidence just given by TUC colleagues about their preparations for the event stands not in a class of its own, but at the very top level of good practice. Like yourselves, I wish them the very best for a successful demonstration. That level of organisation and care and attention to detail is often not exhibited by a lot of organisers, who inform police about a demonstration but have very little control of what happens thereafter. The level of care put into the stewarding—I am sure you will have an opportunity to question Commander Broadhurst—is something that the police would like, but you do not see on many events.

**Q53 The Chairman:** Thank you very much. I was asking that question in terms of your relationship with the Met. Thank you for that answer. Your reports set out developments in recent protest tactics. I was very interested in the thoroughness of those reports and the challenges that face you. Can you say anything more about these reports? You explain that the situation is changing almost by the day.

**Jo Kaye:** If I can go back to the beginning, with the G20 protests on 1 and 2 April 2009, HMIC was invited by the Commissioner to review what happened on the day. We very much focused on the law relating to protest, and particularly on some of the sophisticated requirements of the law and communications, particularly in this age of citizen journalism and digital communications. That went throughout our work of 2009. There were two reports. The first, published in July 2009, was *Adapting to Protest*. Continuing in that vein, we published a further report, *Nurturing the British Model of Policing*, in November 2009. Sir Denis made a total of 24 recommendations in those two reports. It was his intention that there would be a follow-up to those recommendations. I was tasked with following those up in July 2010. He was particularly concerned that there was a focus on the development of guidance and training for officers on the ground, taking account of changes in the way that protests had been developing. He very often uses the phrase "from the page to the pavement". One can provide new guidance, but is it

making any difference on the ground? He particularly wanted me to look at that.

**Q54 Dr Huppert:** The report that the Chair was just speaking of refers to refining the police tactic of containment—kettling, as many of us tend to refer to it. It needs considerable refinement, in my eyes at least, and perhaps other Members of the Committee—refining it to the point of non-existence. Presumably you were talking about smaller refinements. What sort of refinements do you have in mind and how might they have applied to the protests that we saw before Christmas?

**Jo Kaye:** Right from the beginning, containment as a tactic was an issue. We looked very carefully at that after the events of April 2009. Sir Denis made recommendations about being able to identify people who were vulnerable so that they could be released from the containment as soon as possible. He also talked about a "no surprises" approach, so that protesters and public could make informed decisions. In many cases in my experience as I have travelled up and down the country, people have built these things into their plans, although I have to say that containment is not used very often. In my own experience as a public order commander, I may have used it on a small number of occasions, but it would be for numbers of 20 or perhaps 100 people. Having thousands of people is a scale of magnitude away from my experience. You will be able to ask Commander Broadhurst about that, but the numbers involved create greater operational challenges.

The refinements that we are trying to focus on are to see that the police service delivers on its promise to communicate more effectively with people and to see that that is taking place on the ground. There is a difference again between what is written down and what is happening in practice. Sir Denis has tasked me with talking to the policy makers, but I must see the service deliverers as well.

When we talk about refining the tactic of containment, you are clearly referring to the protests before Christmas. What we saw then was thousands of people being contained. Yes, people are being released, but the key issue from HMIC's perspective here is about speed. Can the police service—in this case the focus is on the Met—adapt sufficiently so that if they have to contain, they are doing it in good faith and it is proportionate to the level of violence? Are they able to release people who do not have criminal intent swiftly enough? That is the challenge that we have laid out in the report. We asked a series of tactical questions. What you have always done can become an assumption. I often interview people. I am not talking about my Met colleagues here. They say, "Why do we do this? Because we have always done it". I am saying that this is the time to revisit your



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assumptions and see if you can do this a better way. Sir Denis has made it clear in the report that he intends to revisit—that will be me revisiting—the progress that the service, including the Met, has taken during 2011.

**Q55 Dr Huppert:** You talked about people being released. The Home Secretary was clear after the last big protest that there was always a way out for people. A number of my constituents have come to me to say that they could not find any of these ways out. We know what happens to kettles when you do not allow any sort of exit. Is that one of the things that you think would be essential, that any kettle should definitely have a clearly signposted exit? Exactly what are you suggesting in that regard?

**Jo Kaye:** If the containment tactic is a contingency in the police commander's plan, I would expect it to be extremely detailed and extremely thorough about how that might be managed. After the April 2009 protests, the Met introduced officers with specific responsibilities on cordons to see that people were released. If you are dealing with reasonably small numbers, that can be achieved, but again, when you have thousands contained, that is a scale of magnitude and the challenge is greater operationally to get the message across in command and control terms. Of course, you will be able to ask Commander Broadhurst about this, but in my experience, getting communication across becomes extremely challenging when you have thousands of officers out there. The challenge that HMIC is playing back to the service is that you must revisit your assumptions about doing these things. The public expect you to be able to do this more effectively.

**Q56 Dr Huppert:** Just to clarify a couple of things, you are saying that any proposal for containment, or kettling, should be planned fully in advance.

**Jo Kaye:** Unless it was a spontaneous event, yes.

**Q57 Dr Huppert:** So if there is known to be a protest of some kind, you would expect there to be a plan for a kettle ready if it is necessary to use it.

**Jo Kaye:** If I was a member of the command team and I anticipated that I might have to use containment, I would expect to have a detailed plan about how that would be run and protocols about who would be in charge and to ensure that the resources were available, trained and properly briefed to be able to do that effectively.

**Q58 Dr Huppert:** The other issue is that you are saying that you have a very different attitude to small manageable kettles and you have concerns about the manageability of very large kettles.

**Jo Kaye:** It was not about attitude. It is very much easier to get your message across to the people who you have contained about what is going to happen. It is very much easier for officers to be very clear about what is required of them when you are dealing with it on a small scale. If you have a high level of violence going on and you are trying to sort things out at once, these are difficult places at difficult times. Getting

your message across and being clear about what is required on the ground is very much more difficult.

**Q59 Lord Dubs:** The Met have told us that intelligence-gathering is useful for ensuring successful prosecutions, but makes a minimal contribution to managing a protest while it is ongoing. Do you agree with that?

**Jo Kaye:** The information and intelligence available to a command team is critical if they are planning the execution of an event. We have heard evidence that there is very good dialogue with the organisers, who are very organised themselves, as we have heard this afternoon. That will make planning for the event a great deal easier for the police, despite its size. Where organisers, who are primary sources of information about what sort of event you are going to have, have very little control or knowledge other than a cause that they wish to support, that creates a great deal more uncertainty for police commanders. Where there is uncertainty and you have time, the police commander has the ability to task resources to find out more information, but it is not a perfect world or an exact science and that will not always be possible. What results from that is that police commanders have to build in contingency plans to their operation and maybe have more officers on the day than they might have had to if they had had a full picture of what was going to happen.

**Q60 Lord Dubs:** Do you think that police forces at present strike an appropriate balance between facilitation and management of protests and intelligence gathering?

**Jo Kaye:** The more you can find out before an event, the more preventive measures you can take to ensure a successful and peaceful outcome for the organisers. My response is that I would expect to see a command team looking for what information they have and, where they find gaps, to task their resources to gather the information that can fill those gaps. If they were not doing so, I would not be considering them a very good command team, because they would not be deploying their resources effectively.

**Q61 Lord Lester of Herne Hill:** I should declare a former professional interest, because I once represented the Sussex Police in a case in the House of Lords, where they were balancing the rights to export livestock through Shoreham and the rights of animal rights demonstrators to disrupt the export. The House of Lords there laid down the principle of proportionality, which your report rightly focuses on. One of the matters that you express real concern about is whether the principle of proportionality is properly understood, especially in relation to the use of force. I am sure that you understand—your report shows that you do—what the principle teaches, but what is the problem in practice? How big a problem is it, first of all?

**Jo Kaye:** In April 2009, we found the problem of understanding to be quite widespread. Senior officers were taught about proportionality when it came to their personal safety—what we would call officer safety training—but then they would bring that

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training into the public order environment and take the same posture there. When we spoke to officers, they seemed to leave it at the door and bring in another frame of mind altogether. I have to say from examining a series of business areas of the Association of Chief Police Officers, I found similar but variable approaches and emphases on the use of force. For HMIC, it is a matter of criticality, because it is a matter of public confidence as well as lawfulness. We were concerned that there was that variation. I looked into it more closely and I found almost a devolving of a training curriculum which had headings, but then it was left to local trainers in 43 forces up and down the country to translate that into their own lessons, and they would give their own versions. This was all done in good faith, but I found a variety of explanations of proportionality, almost to a reciprocal “if you punch me, I can punch you”. That is clearly not the case. When we found that in 2009, we made strong public comment about it and Sir Denis made a recommendation about that. It made sense to him and to me that an officer should be stamped from cradle to grave in their career and have one view on this, and not move between different specialisms and be given a slightly different take. It was too important as a matter of public confidence.

I have to say that in my review this time, the number of people who had different explanations of proportionality had greatly reduced, but they were still there, and that was disappointing. In this report we urge the police service to take a common stand on it. It is not just the legality and public confidence; it is a matter of waste of time and money as well.

**Q62 Lord Lester of Herne Hill:** Can you help me, because I cannot see the difficulty? Am I right in thinking that your understanding and mine of proportionality is quite simply that you should not use overkill, you should not use excessive force, you should not take a sledgehammer to crack a nut? Those are all clichés, but is that not what it is about?

**Jo Kaye:** The message that there should be restraint and it should be the least intrusive way of achieving your legitimate aim is by no means a common message, as I would have expected to see. We see it as so vital that we made a recommendation about it.

**Q63 Lord Lester of Herne Hill:** Do you think that the police service are taking adequate steps to address this rather important problem?

**Jo Kaye:** We think not, as we have said in the report. We applaud the champions of public order, because they have taken a stance on this and it is in their new manual of guidance on public order, *Keeping the Peace*, but Sir Denis wrote specifically that he was looking for an overarching statement on behalf of the police service, and that has not been taken up.

**Q64 Lord Lester of Herne Hill:** That, again, is very serious evidence. As you probably know, there are loads of cases from all over Europe that reach Strasbourg where the police service fails in proportionality and finished up getting their Government into trouble. What do you think should now be done about it, in concrete terms?

**Jo Kaye:** I think ACPO is only one step away from coming to this position. HMIC and Sir Denis, the Chief Inspector, are on the case. I would expect that by the time that I report again on progress in 2011, that single position will have been achieved.

**Q65 Baroness Campbell of Surbiton:** You also expressed concern about how long some of the recommendations already in train from the last two reports are taking to filter down to the level of training and practical implementation. What can be done to speed this up?

**Jo Kaye:** We say in the report that being the focus of activity, the Metropolitan Police has taken these on with some energy, but then it only has to manage itself. It is a big beast—I will not say it is well resourced, because they would argue not, but it is very big—and if it wants to do something, it can do it. On the national stage, you have the Association of Chief Police Officers, who set and commission the policy, you have the National Policing Improvement Agency, which gets on with writing it, and then there is a consultation process with 43 forces. The Met does not have to do that—it can get on with itself—but there is a national process and that takes time. In one sense that is understandable, but the needs of the service on the ground are that that should be done as quickly and effectively as possible.

In some working terms, I would say that Sue Sim, currently acting as the Chief Constable of Northumbria, who has a busy daytime job apart from this, has given a high standard of leadership and has driven things through, but when you start moving between different organisations—ACPO, NPJA and forces—with all the time that it takes, HMIC are not convinced that this could not have been done quicker, for all their good efforts. That reflects the needs of the people on the ground. Commanders and officers on the ground need certainty. They have old guidance and tactics. The world is changing and they must be able to respond swiftly. The changes that have to be made to the curriculum have to be as swift as possible and we take out some of the inter-organisational obstacles that occur in this. At the same time, we must have a means of effectively getting out the lessons from the student protests in London to the next person who has to command an event at the other end of the country. Likewise for the student protests in Manchester or the recent English Defence League protests in Luton. The lessons learnt must get out very quickly. If it goes through a long, arduous organisational process, the lessons will not get there. That is what Sir Denis is advocating. The challenge he is making to the police service is to be quicker and more nimble at doing this.

**Q66 Lord Bowness:** Your report, *Policing Public Order*, refers to the demonstrations at the end of last year, in November and December. Given the timing, to what extent was that report able to fully take account of the events at the end of last year? Do you think, in retrospect, that with more time the report might have come to different conclusions?

**Jo Kaye:** I do not know that it would have come to different conclusions, but the history of this is that I

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undertook the field work during the summer of 2010. HMIC was due to publish this report in November. With the student protests, Sir Denis O'Connor decided that it was best not published then, but should note the events and reflect on them as they unfolded. Hence, his overview at the beginning of the report was very much a commentary about the changing times, as had been seen in London. He very much wanted not to start another process of report writing, but to get the most important questions as he saw them, testing the tactical assumptions, out to the police service and in the public domain as swiftly as possible, and that he did.

**Q67 Dr Huppert:** It seems to me that there is a spectrum of roles that the police can play in peaceful protest, from preventing it to allowing it to facilitating, supporting or even encouraging peaceful protest. Where do you think we are currently and where do you think we ought to be?

**Jo Kaye:** I do not see any evidence that police are not accepting of protests. Especially in this capital, it is a

day-to-day business, as I am sure Commander Broadhurst will be able to give you evidence of. Round the country, I have seen people rising to the challenge and the implications of some of these protests and being very careful about their planning processes, seeking views from all around the communities and really getting into people, opinion formers and local politicians, finding out views about how they develop and set the tone for their operations. I have not found any evidence of not accepting protest.

**Q68 Dr Huppert:** So you would describe it on that spectrum of accepting but not supporting or encouraging. There is a whole spectrum along there.

**Jo Kaye:** There is, but the reason that the police were brought into existence was to make the streets safe for everybody. Public order and protest policing is an essential element of that. That is what they are meant to do.

**The Chairman:** Thank you very much for your evidence today.

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### Examination of Witnesses

*Witnesses:* **Lynne Owens** [Assistant Commissioner, Metropolitan Police] and **Bob Broadhurst** [Head of Public Order, Metropolitan Police].

**Q69 The Chairman:** Good afternoon. Could you introduce yourselves for the record, please?

**Lynne Owens:** Certainly. My name is Lynne Owens. I am Assistant Commissioner with the Metropolitan Police service. I am currently responsible for central operations, which provides pan-London specialist support and includes public order policing.

**Commander Bob Broadhurst:** Good afternoon. I am Commander Bob Broadhurst. I am the head of public order and operational support for the Metropolitan Police.

**Q70 The Chairman:** Could we begin by asking you to outline how the plans are going for the 26 March demonstration?

**Lynne Owens:** Certainly. It was a privilege to listen to the evidence from the TUC. I concur with everything that they said. We have a long history of working with the TUC. The evidence as they gave it is the same as my recollection and the briefing that I have had from the officers who are working very closely with them. We believe that the event on 26 March is going to be a peaceful protest and we are planning to work alongside them with that peaceful protest, exercising in advance, helping them to train their stewards and developing our own communication methods for engaging with people on the day.

One of the things that we have picked up, learning from the student demonstrations last year, is that those people who were attending and intending to protest peacefully often did not have the right information when they arrived. For example, they did not know the nature of the route that they should be taking. In the student events in January we produced a leaflet that we shared with some students and young people

who gave us some advice on it. I will leave some copies here today so that you can see it. We will be doing the same thing again, having had some feedback on the leaflet from people involved in the protest. That leaflet explains to people attending what the route is and what they will see from police officers attending on the day and gives them access to other information about how they might follow the progress of the march through Twitter. That is one of the other developments that we have made for 26 March. Again, we trialled that in January. For the event on 26 March we will be running what we call our CO11 Twitter account. We were able to use that to very good effect in January in helping peaceful protesters to understand what was going on in terms of policing, to correct some misinformation that was out there. Contrary to some media reports who referred to that as a softly, softly approach, we see it as a continuation and development of ensuring that peaceful protesters can protest peacefully, therefore allowing us to deal robustly with anybody who decides to assert violence and inhibit the peaceful protest.

**Q71 The Chairman:** I understand that you have made arrangements for independent observers to be involved from Liberty and from the TUC.

**Lynne Owens:** Yes, that is correct.

**Q72 The Chairman:** Is that a new development and is it as a consequence of what happened before Christmas?

**Lynne Owens:** Yes, absolutely, we have been alongside the TUC engaging with Liberty, who are working with us on the planning process. A number of our Liberty colleagues will have access to the intelligence that we have in the run-up to the event.

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They will be involved in the planning of the event with us. They will be based in our specialist operations room, our control room for the event, and they will have observers working alongside us on the streets watching how our strategic intentions are put into practice and providing us with advice and guidance post the event.

**Q73 The Chairman:** You heard the evidence earlier from Assistant Inspector Jo Kaye about the recommendation for a plan for containment. Is there a plan for 26 March?

**Lynne Owens:** I should stress—I know we have stressed this before when we have given evidence here—that containment is a tactic that we would only use in extremis. We would use it where there has been violence or we fear that there is imminently going to be violence. As I say, we are planning for peaceful protest, but the broader public expect us to be in a position to respond robustly to protect the safety of other people who might choose to be in London on that day and to protect our iconic sites. You would expect us to have planned for a whole range of eventualities, so therefore we have to plan for the eventuality that there may be violence.

As Mr Kaye explained, the recommendations in his previous report talked about us appointing somebody responsible for the containment. One of the pieces of learning that we have picked up post the demonstrations that you saw at the end of last year is that when you have a larger number of people contained, asking one of our bronze commanders, as we would call them, to be responsible for that containment is rather a large responsibility. One of the things that we have put together is a new approach to containment, where we appoint a containment manager. The containment manager for the event on 26 March has already been appointed. That person was in post and appointed for two demonstrations in January, on 26th and 29th. Fortunately, on both those occasions we did not need to use the tactic, because we did not see the same levels of violence. Therefore, the new tactic has not been trialled yet. From the moment the protest starts, that person is watching the route as it takes place and is planning, if there has to be a containment, where it would most safely be. As I said, we have improved our communications, so we would be giving messages to people through the Twitter about what they can do to leave particular areas. One thing that was raised with us in letters, particularly from parents of students, is that in many instances they wanted to leave but they were not receiving the messages about the best route for that to happen, even though the routes were open. We will be making that sort of information available on Twitter. We will be using our dot matrix boards and the containment manager will have a team of officers working directly to him or her—on this occasion it is a him—not as part of the containment. He will be able to have a conversation directly with the officers who are on the containment and ensure that the messages get to our staff, which is also a challenge to us in big noisy events, at the same time as it gets to the protesters who may choose to leave the area.

**Q74 The Chairman:** Is what you are describing the plan for 26 March?

**Lynne Owens:** That is the plan for 26 March.

**Q75 The Chairman:** Is it not rather surprising that the TUC has not had a discussion with you about that, given how important that is in the public understanding of demonstrations at the moment?

**Lynne Owens:** We would be very happy to have that conversation with them. I think our position is the same as the TUC's. We are anticipating a peaceful protest. It is part of our planning. They have had access to our command structure. I would be very happy to have conversations with them about that.

**Q76 The Chairman:** Could I ask you specifically why you have not raised that with the TUC, given that you have provided us with a great deal of detailed information there? Surely that would have been one of the highest priorities to discuss with them.

**Lynne Owens:** I should stress that it is a tactic that we only use in extremis. I understand why it has received a considerable amount of attention, but I am not aware of whether the detail of how we would put in place a containment has been the subject of much debate. The first time that I was aware that it had not been was in the evidence that you had earlier. We will take it away and make sure that that conversation happens.

**Q77 Dr Huppert:** Trying to get a peaceful outcome clearly depends quite heavily on the level of training that some of the stewards have. We have heard extensively about the number and the training of stewards. Will you have an opportunity to brief the stewards yourselves? Would you welcome such a chance?

**Lynne Owens:** Yes, that is already planned.

**Q78 Dr Huppert:** For the senior stewards and route stewards? How far would you be able to communicate with them?

**Lynne Owens:** I think the current plan is the senior stewards. That is about getting the stewards in the right place at the right time. We have a tabletop exercise planned for the beginning of March and we also have a briefing session for the senior stewards.

**Q79 Dr Huppert:** There were stewards on 9 December, I believe. You have given us evidence that suggests that communication with them broke down during the events there. Obviously we all hope that nothing like that will happen. What steps are you taking to make sure that on 26 March, those problems will not happen and you will always be able to keep communication, presumably through back-ups if necessary?

**Lynne Owens:** We have offered the TUC what we call a pod, which is a location to be based in our specialist operations room. We will both have access to one another's radio networks.

**Q80 Lord Dubs:** Given that you have said that containment is a very remote possibility, what are

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your principal areas of concern with regard to the planned march?

**Lynne Owens:** I think our main area of concern, as addressed by the TUC, is that if the numbers that they are quoting do attend on the day, that is a significant number of people to be coming into central London. Our main areas of concern would be public safety and how you move such large quantities of people through an area in an orderly and safe way. Our primary strategy is one of public safety. Of course, we would not be so naïve as to plan without looking at the intelligence that is on social networking sites. We see some early intelligence that some troublemakers, for want of a better word—I do not like to use labels—may be seeking to disrupt the march. We have to plan for those eventualities to make sure that the TUC march goes ahead peacefully. To that end, we have to protect areas that are broader than the march to ensure public safety off the march route. We need to ensure the protection of property and buildings and that business as usual carries on in London as it should when the march is carrying on through.

**Q81 Lord Dubs:** Do you have any concerns that some breakaway groups might attempt to get back to occupy Parliament Square? There has been some hint of messages about that.

**Lynne Owens:** That would clearly concern us. As I said, we are planning for a peaceful protest and we hope to work with the TUC and their stewards to keep the march moving, but of course we will plan for the eventuality if people choose to operate unlawfully and we will be in a position to respond robustly to that.

**Q82 Lord Dubs:** Finally, do you believe that the size of the march creates a greater risk of public disorder, or is it likely to have the reverse effect?

**Lynne Owens:** I think you have heard in the evidence that the TUC have given that they are trying to badge this as a family event, which has attendees of all ages and all backgrounds. Our general experience is that when a march is mixed in that way, it tends to be a more peaceful affair.

**Q83 Lord Lester of Herne Hill:** Could I ask the same question I asked of Mr Kaye? Given the experience of demonstrations called football matches, what are you doing about alcohol? Are you giving any advice about that? Because it is a Saturday afternoon, people might decide to have a lot of drinks. Has that been taken into account in your planning?

**Lynne Owens:** In any planning that we do for any event we would always try to provide safety advice to those attending. There is no legislative requirement for a protest that would allow us to ban alcohol, as we can on some occasions for people going to football matches and other things. We would hope to work closely with the TUC on that message.

**Q84 Mr Raab:** Assistant Commissioner, thank you for the information you have already given. Can I just ask one follow-up question? You mentioned information about potential troublemakers. Obviously, that is a contingency. Can you say anything more without going into intelligence about the nature of it?

Are we talking about football hooligans? Are we talking about anarchists and political groups? Are we talking about the criminal fraternity?

**Lynne Owens:** I can talk on the basis of what we saw on the back of the student marches, when we saw all of those groups at different times. We saw a lot of young people who had never been in trouble with the police before choose to get themselves involved in violence. That has certainly been borne out by those whom we arrested. We did see those who had previous offending history, whether that was connected to other violence, general criminal behaviour or on the back of their own political beliefs. There is no reason to believe that the picture will be any different this time round.

**Q85 Mr Raab:** Do you have any positive indications that it is likely to be the same?

**Lynne Owens:** We do not have any positive indications currently. We are in the early intelligence-gathering stages and it would probably be wrong for me to comment much beyond that.

**Q86 Mr Raab:** In terms of anticipating events on the day, do you feel that you have sufficient resources to cope on the 26th?

**Lynne Owens:** Obviously, the Metropolitan Police Service is the biggest police service in England and Wales, but it is likely that for 26 March we will have to go to mutual aid, which is when we ask other forces for support. Clearly, if we are getting between 100,000 and 200,000 people in central London, we want to make sure that everybody is safe and that we have sufficient trained officers to respond. I am very confident that my colleagues round the country will support us in that endeavour.

**Q87 Mr Raab:** Are there any particular forces that you are likely to approach?

**Lynne Owens:** We have not made the formal approaches yet, so it would be wrong of me to say, but there is a formalised agreement, so it will not be an issue to get the resources that we need. We would probably go to the south-east forces first, simply for travelling reasons—it is easier for people to get here.

**Q88 Mr Raab:** Finally from me, you mentioned Twitter and the media commentary about the softly, softly approach, or however we want to describe it. Are there any other new tactics or innovative approaches based on prior experience that you will be putting into place?

**Lynne Owens:** I guess in summary, the new things that we will be trying on this occasion are the communication that I have already spoken to you about and engagement in advance with people who may be attending. If we have to impose a containment, we will be trialling the new approach of a containment manager. We are also trialling a different approach on gathering intelligence and arrests connected to the containment. One of the issues with containment has been that sometimes it has gone on longer than we would think necessary in the future, on the basis that we wanted to arrest some people. We are trying to

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speed up the process so that those who have not been engaged in criminal activity can leave very quickly.

**Q89 Baroness Campbell of Surbiton:** I want to explore containment with you just a little bit more. It is very high up in our minds. Do you think it is a realistic possibility that containment could take place in a march of this size?

**Lynne Owens:** As I keep saying, our absolute hope is that people will come to this protest intending to operate peacefully, but there is a public expectation that if violence is exerted on the streets of London, we will react robustly to protect the safety of the other people using London and to protect our iconic sites. One of the tactics—it is only one of them—that we could use to operate that level of protection in London would be containment. It is a possibility rather than a probability, I would say.

**Q90 Baroness Campbell of Surbiton:** It is a possibility. What kind of issues do you think it would throw up for vulnerable people, disabled people or elderly people? There has been some inappropriate handling of disabled people in the past. What is being done to think about that and what do you have in mind, should containment happen?

**Lynne Owens:** The specific incident that you are referencing was widely reported in the media. It would be wrong for me to talk about that because it is still subject to investigation by the Independent Police Complaints Commission.

**Q91 Baroness Campbell of Surbiton:** Of course, but I was not just thinking of that situation.

**Lynne Owens:** When we impose a containment, we are seeking to contain those involved in violent behaviour. My first plea would be that anybody attending, whether it is somebody with a disability or not, takes heed of the advice and the Twitter messages that we will be putting out and chooses to leave an area if violence is being exerted. Clearly, if a containment is imposed, I recognise that there are issues for people who have disabilities or who find communication difficult for lots of different reasons. Through the containment manager, we are trying to allow for those people to be identified and allow them to leave if it is appropriate, or for them to be arrested early if that is what needs to happen.

**Q92 Baroness Campbell of Surbiton:** In terms of people who cannot easily be identified—lots of disabled people have hidden disabilities that are quite severe—if one of these people were to come forward and say, “I am severely disabled, I need to leave”, what would happen in that situation?

**Lynne Owens:** What we are seeking to achieve with the containment manager post that we are putting in is that there are effectively two or three streams of exit. There is an ability to exit because officers who are there make the judgment that you have not been involved in criminal behaviour and can leave. There is a middle stream of people who are asking permission to leave, which may well include those with disabilities, who may be suspected of offences. We will dedicate officers to each of these individual

areas and the officers will have the ability to make that judgment. I have personally spoken to officers who were on duty in December. They are very keen for us to give them that responsibility, because they feel that they can make those judgments.

**Q93 Dr Huppert:** I would like to ask the question that I asked earlier. I am happy to hear from either of you. Commander Broadhurst is being very patient. There is a whole spectrum of how the police could treat their role on protests, from actively trying to prevent protest, through allowing it to facilitate, supporting and encouraging. Where does the Met aim to be on that? Where do you think you are at the moment?

**Lynne Owens:** I think we are certainly very clear that we are not at either end of that spectrum. It is our role to facilitate peaceful protest and to be proactive in our engagement with organisers. As I have already said, we have a very good relationship with the TUC. We have not always had such good relationships with other groups that we have been involved with. It makes it far harder to facilitate if you do not have engagement.

**Commander Bob Broadhurst:** We never turn down protests. Our starting point is to facilitate peaceful protest, with every group that comes to us. There was probably a time, not so long ago, when we took that responsibility, bearing in mind our need to balance the needs of other people with the people of London, and were perhaps at times over-prescriptive around routes and what people would or would not do. We have changed that stance quite a bit over the last couple of years, certainly since the G20. We are much more into dialogue with people and trying to help them with their protests. Bear in mind that we do 4,500 events a year and at the vast majority we have no problems. Dialogue is generally good. Protesters often come to us looking for advice and guidance on how best to make their cause heard. We are very happy to give that guidance. I would like to think that we do our best to position ourselves. It becomes a challenge when groups do not want to engage in dialogue. Fortunately, there are not that many, but it does occasionally happen.

**Q94 Dr Huppert:** Did the NUS and the National Campaign Against Fees and Cuts engage with you in the same sort of dialogue?

**Commander Bob Broadhurst:** They did. They had organisers who were very keen to engage. The engagement was good and we had agreements, but you are looking at a different group of people coming out. Although they had stewards—we have heard about that—the level of stewarding was not very good. They were generally young people. Let's be fair, as soon as it got challenging or difficult, they melted away so you had no stewards, or they felt peer pressure on them not to engage as stewards should engage. With the NUS, while the dialogue was good, you had nothing like the level of maturity, responsibility or experience that we see with TUC colleagues. 9 December was a classic example when a planned rally towards the end of it was not there. We had that recently in January, when Liberty came

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to look with us. Liberty were able to see that because the plan broke down, with no rallying point and no speakers, you then had several thousand students thinking, “Well, what do we do now?” They were leaderless and rudderless, and it is the police who then pick up the pieces. I think you are looking at two totally different situations. As Mr Kaye said, we are at the higher end here, working with the TUC. It is almost a model of what protest should be like. It is then easier for us to engage.

**Q95 The Chairman:** Could I ask about communication? You have mentioned Twitter and leaflets. What other means of communication are there, for example electronic screens or loudhailers? Would these be used?

**Lynne Owens:** Yes. We had both those available for the student protest. Unfortunately the loudhailers were not very effective, because every time we tried to use a loudhailer, lots of people shouted louder than us and we could not get our voices across, which is why we have taken on the feedback that almost everybody there on the day had a mobile phone. It was interesting, on 29 January when we were using Twitter, just how many people logged on to it. To use a very true example, we saw a Twitter feed saying, “The police are about to contain us. They are bringing their horses in”, but actually our horses were just going to exercise in Hyde Park, so we were able to upload on to Twitter, “No we’re not. We have no intention of putting in a containment. We are very happy that you are protesting peacefully. We are just exercising our horses in Hyde Park”. There was then an interesting interaction about whether we were telling the truth, but it was a good use of social media, and certainly more effectively than the loudhailers had been at the student protests. I will leave you a copy of the Twitter feed so that you can see the different messages that we were getting across.

**Q96 Dr Huppert:** I wanted to clarify. Will somebody be actively monitoring the Twitter feed and responding to comments that go to you?

**Lynne Owens:** Yes.

**Dr Huppert:** Do you have enough people to deal with that sort of flow?

**Commander Bob Broadhurst:** We have trained some of our staff to do that very thing. I would not say that they are quite proficient at it yet. I do not think that we are quite into this generation of communicating—I certainly am not. They are trained to do that. They monitor all the feeds that go in and out and send out appropriate messages and respond.

**Q97 Lord Dubs:** You have said several times that you expect this march to be very different from the protests that took place in November and December. Was there anything to be learnt from November and December in relation to this march?

**Lynne Owens:** Absolutely. Many of the things that I have spoken about are things that we are doing differently on the back of the learning that we as an organisation took from things that happened in November and December. When I say I am expecting it to be very different, I am hoping it is going to be

different. Certainly, our engagement with the organisers has been very different. It is great that we are able to engage jointly on training and we have a shared plan. We have both asked Liberty to be engaged. They are going to have a seat in the control room. In terms of communication, we have definitely developed our style since then with the sole intention of allowing peaceful protesters to protest peacefully and allowing us the room to deal with any violence that may happen in the way that we should.

**Q98 Lord Dubs:** Turning to the question of the dispersal of protesters towards the end of the demo, there were problems in December. What are you doing to ensure that the dispersal of the people on the march this month is well managed?

**Lynne Owens:** That is certainly one of the conversations that we still have ongoing with regard to the TUC. As you will all appreciate, it is very easy to bring the centre of London to a halt, hence the discussion on the plans in respect of coach parks. One of our concerns at the moment is how you get people away peacefully. If the coaches are at Wembley, how do we escort or positively corral people to the locations where they can get home? One of the things that we saw on 29 January, as Mr Broadhurst has described, is that when the rally did not go ahead—obviously we hope that does not happen on this occasion—people just gently dispersed into the centre of London and we had to police what was called a rabble at different places and locations in London. We hope that does not happen again. On this occasion we have sectorised London, splitting it into different sectors with different policing operations, so we would be in a position to respond to that should it happen.

**Commander Bob Broadhurst:** One of the big differences is that looking at the events before Christmas, they never reached their natural conclusion, but they degenerated in some way, shape or form. This event will reach its natural conclusion with a rally. You have already heard from the TUC that we are then into the logistical problems of getting people back to coaches and underground stations. That is when we work very closely with our other partners in London, Transport for London in particular, around buses and tubes and making sure that people can get to stations. Sometimes with large crowds it is necessary to close one station and move people on a little bit. There will be a plan with other partners, working with TUC colleagues. The advantage of having them with us in the control room means that we can talk about these issues and work together to get people speedily, as best we can, back to their coaches, buses or however else they are going to go away from London.

**Q99 Lord Bowness:** Can I just go back to the HMIC report? Can you tell the Committee whether you are in agreement or partial agreement with that report, and any comments you have on it?

**Lynne Owens:** Before the report was published I had many conversations with Mr Kaye. It would be fair to say that some of the things the report has highlighted, like the changing nature of protest and the fact that



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our communication needed to be better, we had already put in place in January, before the report was published. I think his assessment of our understanding of the use of force is a little harsh. It would be fair to say that my colleague who he has already referenced, Chief Constable Sue Sim, has done a huge amount of work in the ACPO public order arena to get the use of force definition better understood and to get that put into the Keeping the Peace manual. I think what Mr Kaye is referencing is whether that is understood and established across every one of the Association of Chief Police Officers business areas. That bit of work needs to be picked up. I am very confident that in London we have changed our training. We do it in a place called Gravesend. There is now a continuum of training. We start off with a whole first day about the proportionate use of force and the escalation of that process, so I am very confident that we have changed our process in that regard.

**Q100 Lord Lester of Herne Hill:** In the 2009 report, *Nurturing the British Model of Policing*, only one police force was found to be using the correct definition of proportionality. That was West Yorkshire. Is that a problem within the Met, or are you satisfied that everyone understands what proportionality requires?

**Lynne Owens:** We are a huge organisation of 52,000 people, but we have accepted the ACPO Keeping the Peace manual. We have changed our training. I know that some of the work that Mr Kaye did was within our organisation and he definitely found that it had improved. But there is still a possibility in an organisation of our size that you would find some people who would not verbalise it in an entirely appropriate way. One of the bits of work that Ms Sim is doing now is defining the training package that will go to every member of staff nationally. We are an important part of that working group. I am confident that we have made significant progress, but I could not give you a categorical assurance that you would find every single person in the Metropolitan Police service would give you the right answer, but that is mainly because of the scale and size of the organisation. What I can say is that for events that are specific like this, where we have gold, silver and bronze commanders, they receive a specific briefing on the use of force for the particular event. For those, we will use the definition in the ACPO Keeping the Peace manual.

**Q101 Lord Lester of Herne Hill:** I know you cannot speak on behalf of the whole of England and Wales, but how best can this Committee be informed about what is in the new training and guidance material and the way it is being used across England and Wales?

**Lynne Owens:** The Association of Chief Police Officers has written to business groups and then subdivided into specific areas. The uniformed business operations area is run by Chief Constable Med Hughes, who I think is from South Yorkshire, and Acting Chief Constable Sue Sim is part of that. If the Committee wanted to hear more about that, he would be the right person to brief you.

**Q102 Lord Lester of Herne Hill:** I was thinking not so much about oral evidence, but is there some easy way in which we could get the written material?

**Lynne Owens:** Certainly. The Keeping the Peace manual has already been published, so you would be able to get sight of that. We are in the latter stages of signing off the training product, so you would be able to see those too.

**Q103 Baroness Campbell of Surbiton:** Another area of concern centres around how long it is taking for the practical implementation through training of the many recommendations from the two HMIC reports. Can you tell me why it is taking so long and what you are doing about this?

**Lynne Owens:** That is one of the other recommendations that is addressed to ACPO as a whole. As we have already said, this is a fast-changing environment in which we are now operating. From the Metropolitan Police service's perspective, by the time the first report was published we had already made some changes. I have already spoken to you about learning that we picked up organisationally come November and December. That was already being trialled in the demonstrations in January.

I think the report is referencing how quickly that all gets written down as best practice, but the reality of public order policing is that until you have tried a tactic, seen whether it works and seen the public response to it on both sides, it is very difficult to get to that later stage. I do not think it is quite as black and white as is portrayed in the report. People are trying different ways of doing things in response to the recommendations as we see them, but it is not until we are very confident that things we have trialled have worked that we would seek to codify it as best practice.

**Lord Lester of Herne Hill:** I apologise this for this, but I forgot to declare that I have advised ACPO about all this.

**Q104 Baroness Campbell of Surbiton:** So you are saying that actions speak much louder than the words in the reports? Can we see copies of the training material? That would be really good.

**Lynne Owens:** Yes.

**Q105 Mr Raab:** You mentioned the difficulty of communicating guidance to an organisation of your size. We have also heard a lot about the volume of lessons learnt recommendations. Do you think there is a problem with the amount of churn of new initiatives and ideas coming down that you have to absorb and then get out to the front line? Is there a danger that operational clarity gets blurred because you are constantly trying to learn every lesson that there is out there? I wondered how you strike the balance between the clarity of the rules that the officers in the front line have to deliver on and the desire to constantly upgrade performance.

**Lynne Owens:** One of the challenges that we have in policing is that it is very important that we police with the consent of the public, and therefore we are open to much scrutiny. What generally comes with scrutiny

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is recommendations from HMIC, the Independent Police Complaints Commission, the Audit Commission as was, police authorities and other scrutiny bodies. We completely accept that, but you often find that some of those recommendations overlap. I think there is a leadership responsibility on people such as me and Bob to bring clarity to the people we lead about what those recommendations mean from a local basis. In public order, I rely on my gold, silver and bronze commanders to give that clarity.

**Q106 The Chairman:** Could I end with a question about intelligence gathering? There has been considerable public concern recently about the use of undercover police officers in peaceful protest movements. Can you reassure this Committee today that those tactics are not being used and that undercover police officers are not being used in the trade union movement?

**Lynne Owens:** One of the things that we have been doing in trying to understand some of the things that we have seen reported in respect of undercover police officers is looking at the very different descriptions that are applied to those sorts of rules. There are undercover officers who create a new identity and live under that different identity in a new environment, under a very strict authorisation and regulatory regime. There is a lower level of undercover officer. These are people who operate covertly but who, to all

intents and purposes, are uniformed officers who might have put on plain clothes for the day. They also work under the Regulation of Investigatory Powers Act. And there are police officers who will do things like staffing what we call OPs, or observation points. That is a very broad descriptor. We are now trying to be much more careful about what we actually mean when we talk publicly about undercover officers. Apologies for that slightly lengthy definition.

An intelligence requirement has been set for this policing operation. At the moment I am not in a position to confirm or deny what level of undercover officers will be deployed in the event. That will be the ACPO stated position from this point forward, on the basis that all those deployments are subject to significant scrutiny elsewhere, through the Office of Surveillance Commissioners and other routes. For the safety of individuals who may be deployed, it is very important that we do not speak publicly about those sorts of deployment.

**The Chairman:** Thank you. On behalf of the Committee, I thank you both, and all the witnesses today, for the thoroughness of your answers. I reiterate what I said earlier. I hope that it will be a very successful and peaceful demonstration. The evidence that you have all given us indicates that that will be the case because of the very high level of co-operation, which we should congratulate you on, between the Metropolitan Police service and the TUC. Thank you very much.

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