

Rt Hon Priti Patel MP  
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Your Ref: n/a  
Our Ref 20210506SH  
Date: 6 May 2021  
Enquiries to: Suzanne Harris  
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Dear Home Secretary,

I write in response to the HMICFRS thematic inspection report 'Getting the balance right? An inspection of how effectively the police deal with protests'.

I acknowledge the recommendations made in this HMICFRS inspection report (listed in appendix A), and understand that two of those recommendations (4 and 6) and three Areas for Improvement (AFIs 1, 2 and 4) are applicable to all Forces, including Essex Police.

I recognise the importance of the right to protest in a democratic society, but am keen that the exercising of these rights can be achieved in ways that do not have a negative impact on other members of society, do not place our emergency services personnel at risk and do not divert disproportionate amounts of funding from other vital priorities.

It is encouraging to see that the public survey you undertook supports a police stance not to ignore protest activity and condemn violence and serious disruption to other citizens and businesses.

It is interesting to observe your conclusions that police do not always strike the right balance, and particularly the suggestion that a lack of accurate assessment of the potential or likely disruption can result in a balance in favour of protesters. This is clearly something that should be guarded against.

I welcome the proposals to review and amend legislation to ensure that policing of protests in future can be undertaken efficiently and effectively, alongside the proposed clarification expected in the Police, Crime, Sentencing and Courts Bill 2019-21.

We will use the observations and recommendations contained in this report to inform our work in Essex.

The Chief Constable has provided a detailed response to me regarding each of the Recommendations and Areas for Improvement relevant to Essex. I am pleased to note that some processes are already under review and trialled changes are nearing the point of review. I will support the Chief Constable in making any necessary changes to current practice which will improve the performance of Essex Police in this area.

I will continue to monitor the work of Essex Police in this regard, and to hold the Chief Constable to account, including through the monthly Performance and Resources Scrutiny Board.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Hirst', written in a cursive style.

Roger Hirst  
Police, Fire and Crime Commissioner

c.c. Ben-Julian Harrington, Chief Constable, Essex Police.

## **Appendix A – Recommendations**

### **Recommendations**

#### **Recommendation 1**

By 30 June 2022, the National Police Chiefs' Council (NPCC), through its National Public Order Public Safety Group and National Protest Working Group, should analyse the results from the national development team trial. In the light of this analysis, the NPCC should secure an appropriate longer-term arrangement for managing the risks presented by aggravated activists.

#### **Recommendation 2**

With immediate effect, the National Police Chiefs' Council (NPCC), through its National Public Order Public Safety Group and National Protest Working Group, should closely monitor progress on integrating the management of protest-related covert human intelligence sources with the devolved force model. And, by 30 June 2022, the NPCC should ensure that a post-implementation review is conducted.

#### **Recommendation 3**

By 30 June 2022, the College of Policing, through its planned review, should bring the public order authorised professional practice (APP) up to date and make arrangements to keep it current, with more regular revisions as they become necessary. It would also be beneficial to consolidate the APP, protest operational advice and aide memoire into a single source (or a linked series of documents).

#### **Recommendations 4 & 5**

- By 31 December 2021, chief constables should make sure that their legal services teams subscribe to the College of Policing Knowledge Hub's Association of Police Lawyers group.
- By 31 December 2021, the College of Policing should ensure that all Public Order Public Safety commander and adviser students attending its licensed training are enrolled in the College of Policing Knowledge Hub's Specialist Operational Support – Public Order Public Safety group, before they leave the training event.

#### **Recommendation 6**

By 31 December 2021, chief constables should ensure that their forces have sufficiently robust governance arrangements in place to secure consistent, effective debrief processes for protest policing. Such arrangements should ensure that:

- forces give adequate consideration to debriefing all protest-related policing operations;
- the extent of any debrief is proportionate to the scale of the operation;
- a national post-event learning review form is prepared after every debrief; and
- the form is signed off by a gold commander prior to submission to the National Police Coordination Centre.

#### **Recommendation 7**

By 30 June 2022, on behalf of HM Government, the Home Office should lead a joint review of police and local authority powers and practices concerning road closures during protests. This should be done with the support of, and in consultation with, the Department for Transport, the Ministry of Housing, Communities & Local Government, Westminster City Council, the Metropolitan Police, Transport for London and other interested parties. The review should include a comparison

of the arrangements in London with those in other parts of England and Wales. Its findings should lead to decisions on whether to:

- retain, modify or repeal section 52 of the Metropolitan Police Act 1839 and section 21 of the Town Police Clauses Act 1847; and
- establish new multi-agency arrangements for implementing road closures in London during protests.

### **Recommendation 8**

By 30 June 2022, the National Police Chiefs' Council, working with the College of Policing, should provide additional support to gold commanders to improve the quality of gold strategies for protest policing. This support should include:

- the creation and operation of a quality assurance process; and/or
- the provision of more focused continuous professional development.

The additional support should ensure that gold commanders for protest operations include an appropriate level of detail within their gold strategies. This may include the levels of disruption

### **Recommendation 9**

By 30 June 2022, the National Police Coordination Centre should revise the national post-event learning review form so that it contains a section to report on the policing operation's impact on the community.

### **Recommendation 10**

By 30 June 2021, the Home Office should consider laying before Parliament draft legislation (similar to section 11 of the Public Order Act 1986) that makes provision for an obligation on organisers of public assemblies to give the police written notice in advance of such assemblies.

### **Recommendation 11**

By 30 June 2021, the Home Office should consider laying before Parliament draft legislation (similar to section 13 of the Public Order Act 1986) that makes provision for the prohibition of public assemblies.

### **Recommendation 12**

By 30 June 2022, the Home Office, working with the National Police Chiefs' Council and other interested parties, should carry out research into the use of fixed penalty notices for breaches of public health regulations in the course of protests. The research should explore the extent to which recipients complied with the scheme, and any consequential demand on the criminal justice system. The outcome of this research should inform a decision on whether to extend either the penalty notices for disorder scheme or the fixed penalty notice scheme to include further offences commonly committed during protests.