**APPG Democracy and the Constitution: Inquiry into policing of public gatherings, constitutional rights, and the PCSC Bill.**

**Panel 1**

In Attenance

Geraint Davies MP (Chair)

Lord Brian Paddock

Dr Andy Aydin-Aitchison

Pippa Woodrow

Jonathan Djanogly MP

Daisy Cooper MP

Lord John Hendy QC

Sam Fowles

Lord John Hendy QC (JH)- Thank you very much Chair. We know from articles 10 and 11 of the European convention which are in our law by the Human Rights Act and the common law itself, that protest in the form of assemblies of people, either static or moving are permitted for the expression of their views. What are the limits of lawful expression and assembly, in general terms?

Pippa Woodrow (PW)- Articles 10 and 11 generally speaking don’t apply where assemblies are for the purpose of or have violence in mind. Or indeed inciting violence. We’re talking here about peaceful protest or peaceful assemblies in the first instance. And then there is, within articles 10 and 11 there are effectively a list of legitimate purposes for which the basic right to freedom of expression or to gather in an assembly can be limited. But what the state has to show is that any limitation is strictly necessary and that has to be convincingly established, those are the words of the court. And effectively it has to be proportionate to one of those effectively legitimate aims. And those include, of particular relevance perhaps her, protection of health.

JH- Dr Aydin-Aitchison, do you have anything to add to that?

Dr Andy Aydin-Aitchison (AA)- I think that I would defer to Pippa on this one, definitely.

JH- Lord Paddock?

Lord Brian Paddock (BP)- It’s interesting actually, when you go back to the last major report by Her Majesty Inspector of Constabulary back in 2009, called ‘Adapting to protest. Nurturing the British model of Policing’, the emphasis was very much on that police should be facilitating peaceful protest. And in their latest report this year, it’s the opposite. Stating that the police have gone too far and are siding with protestors. Bearing in mind, the most recent report by HMIC was actually commissioned by the Home Secretary asking specifically whether or not there needed to be more powers. The conclusion of HMIC very clearly in 2009 was that there was no need for further powers. Indeed, they thought that there was too much legislation that was confusing things.

JH- I wonder if I could just take that up with Pippa? Many of the rights protected by the European convention are rights which the state must permit the exercise of. But some of those rights, the state has to go further and actually facilitate or enable those rights to be enjoyed. Taking up Lord Paddock’s point there, is there any learning on that that you ought to draw our attention to?

PW- Certainly. I think that in terms of a list of references, there’s quite a lot in the written submissions which I hope are before you already from various people. But, in general terms and with a view to Chair’s call for brevity, there are positive obligations which are included within articles 10 and 11. It is not just a case of refraining from interfering with people’s right to protest and the exercise of that right. States have a positive duty to protect that right and to make it accessible to people. And that includes, for example, not doing things to chill protests, making sure the law is clear so people know what they can and can’t do and are not worried about getting into trouble in the event that they protest, and I think that’s really relevant here. It also includes, in respect to policing and enforcement, duties to make sure people can protest in a way that is safe and that facilitates their ability to do that. And so yes, in general terms, there are positive and negative obligations. In addition to what Lord Paddock has said, about the shift that there appears to have been over the last decade. I think increasingly now, what we see is a tendency to view protest as something to tolerated because of libertarian notions about people being entitled to do what they want to do and that we shouldn’t’t be interfering with people and it’s a case of balancing what I want to do with what you want to do. And I think we’ve forgotten in our public discourse the positive value of protest and that is why the courts have been keen to ensure that it is both protected and facilitated. Because societies that protect and cherish protest gain positive value from it. I think there are two main purposes that it has; one is that it’s a pressure valve so it’s an essential tool for citizens to be able to express dissent in a way that is peaceful and speak their truth to people in power including employers, companies or those whom we elect on our behalf. The other purpose is that it’s a way that ordinary people can effect change and highlight issues that need to be brought to the public’s attention. One of the examples that I really wanted to highlight was Dr Meenal Viz’s protest about PPE at the beginning of the pandemic. I judged that panel to look at that because this was somebody protesting in the context pandemic, a pregnant doctor, to call attention to the need for PPE for doctors and she managed to affect really change by protest, even in a pandemic. And so, that positive value has been forgotten I think and needs to be rediscovered.

JH- Dr Aydin-Aitchison anything to add?

AA- I think so. You stated by asking about lawful protest and lawful assembly, but I think because of this value that Pippa has just outlined, about the public exchange of views, I would go further to say an expression of solidarity. I think there are cases even where protest is not strictly lawful, that a necessary degree of tolerance not eh part of the authorities is required. And we have seen that in the European Court of Human Rights case law as well.

Geraint Davies MP (GD)- Perhaps you’d like to mention the up-and-coming bill, John?

JH- Yes, can I ask what impact the PCS bill is likely to have on legitimate protest? Can we start with Lord Paddock, perhaps?

BP- As Pippa was saying, it’s an obligation not to have a chilling effect on protest and this bill would certainly do that. It gives a tremendous amount of power to the police, extending their ability to impose restrictions and conditions onto static assemblies as well not just processions. But it also brings in this quite alarming provision where if the police believe that it’s going to be too noisy, that they can impose conditions and so forth on that. Not only that, but what should be allowable and what should not be allowable is to be defined by a Secretary of State, a government minister, in regulations. John, you will know the very limited ability that Parliament has, we’re statutory instruments compared with the primary legislations in terms of not being able to amend it. It’s either take it or leave it. There are considerable additional powers here. And the other worrying thing is that it extends legislation to one-person protests as well. Which is again, worrying. And it also, albeit that it was recommended by the Law Commission, that the common law offence of public nuisance was put into statute law. To have the threat of potentially 10 years imprisonment for obstructing the public in their exercise or enjoyment of rights I so broad, and such a draconian penalty that people are going to worry about engaging in protest in the first place. So very much having the chilling effect that Pippa was referring to.

GD- Can I ask Lord Paddock on the point he’s made just briefly, and then we’ll ask you John about picketing and then move on to Jonathan. But can I ask, given some of the changes in the bill that you’ve set out, is the worry that in the wrong hands, these powers could go beyond perhaps what anyone had intended. So, for example, if those powers where the ones available to the police in Hong Kong, how far could they be extended to suppress people’s democratic rights?

BP- The ridiculous thing is, these conditions can be imposed on the basis of what the police believe might happen. It’s not that you’ve got a very very noisy protest that is disrupting proceedings in Parliament, for example, it’s that the police believe that this protest might result in the amount of noise that would have that impact. You could have the police making decisions about who protests and who doesn’t protest, on the basis of what they think might happen.

GD- John, did you want to ask something about that in relation to Trade Union rights?

JH- Yes. So, section 220 of the Trade Union and Labour Relations Consolidation Act gives the right in contemplation or furtherance of a trade dispute, to attend at the workplace for the purpose of peacefully persuading people not to work, and that’s the right to picket. I would ask the panel whether they think that the new bill might override that right or it might have a chilling effect on the exercise of it?

PW- The short answer is yes, but following on from what Lord Paddock has said, the scope of the bill would essentially, in my view, put on a permanent footing the breadth of powers that have been handed to the police during the pandemic. Because the reality is that the terms of the bill are capable of being applied to, pretty much everybody. Every single protest is capable of coming within the definitions. Not necessarily because they are noisy, but because they might be. And that includes one person protests, it doesn’t necessarily have to be a large gathering. And what that does, we’ve seen this as a test case during the pandemic, what that does is essentially force the police to make decisions not only about enforcing the law but about effectively what the law permits. They become the gatekeepers as well as the enforcers. And that, in my view, puts them a completely impossible and politicised position. The only way that they can retain legitimacy and be seen to be consistent which is something that they are very legitimately keen to preserve, is to be restrictive with everybody. Because that’s the only way that they can be restrictive with some people, otherwise they’re accused of picking and choosing. In reality, what we’ve seen during lockdown is a presumptive defacto ban on protest. And giving these powers to police, in my view, puts them in a position where, it’s very likely in reality as well as in principle that even in the most well-meaning hands, we are going to see a massive restriction on protest.

GD- Thank you. Over to you Jonathan to talk about legal ambiguity.

Jonathan Djanogly MP (JD)- Thank chair. At Clapham Common and Bristol, indications from many of the witness statements that we’ve had indicate that the police simply did not understand the law concerning the right to protest. Although, in London, the Met seem to have changed their view just before the court ruling, recognising that article 10 and 11 rights can’t just be ignored by regulations. Is that firstly a fair interpretation and then to what extent should protest have been permitted in March 2021 under the coronavirus regulations?

PW- The relevant bits of the regulations concern the restrictions on gatherings. And at various times, there have been various restrictions on the amount of people that can gather and there have been references to different purposes. In March 21, we were in tier 4 and the regulations framework had various different tiers and the gatherings restrictions. As we all know, provided that you can’t participate in a relevant gathering or indeed organise a relevant gathering of over 30 people without a reasonable excuse. Within the regulations, there are a non-exhaustive list of exemptions or versions of a reasonable excuse. In tiers 1 to 3, they made an exemption that specifically mentioned protest. It wasn’t a free for all, there were limits on it, but it specifically mentioned protest. In tier 4, there was no mention, and so what the police did logically, I think, but wrongly, is to say that if in tiers 1-3 but not in tier 4 then that must mean that it is not allowed. Therefore, they’ve been operating a presumption of illegality. That presumed that protest is not permitted and that it can’t be a reasonable excuse. What the courts have said consistently is that because these are fundamental rights under articles 10 and 11, you have to read the regulations which are secondary legislation subject to obligations under the Human Rights Act and therefore protest is presumptively lawful and if it’s not specifically provided for its a reasonable excuse and it’s only if interference is justified under articles 10 and 11 that it could be unlawful. Effectively its presumed lawful unless the police or the authorities can show that it is necessary, in this case for protection of health, to stop it. I think now that there is absolutely compelling evidence that was not understood. Both before and, I’m disappointed to say, after the court case. We’ve seen a number of times during the pandemic including the Dolan case which originally established this, that the police on the ground and indeed at the highest leadership levels have not understood the law, they’ve sent barristers to court who are specifically trained and able to articulate and finesse matters who have then argued on a correct legal basis. But then once it goes back to the police to deal with in practice, the misunderstandings and the confusions remain. It’s very clear now that the confusions that persisted before the hearing, notwithstanding the excellent job of counsel at the hearing and in his written submissions beforehand, that hasn’t flowed through in practice to the actual officers tasked with dealing with it.

JD- And to what extend should protests have been permitted?

PW- The answer to that is that, presumptively it was lawful. And it was only if the police could show that it wasn’t safe, that it would have been unlawful. We’ve already talked about positive obligations, if the police had started from the position of well this is something lawful and we have a duty to facilitate, one would have thought that they would work with organisers to see how that could be achieved. If they thought it couldn’t have been achieved safely, one would have thought that they would have some sort of evidential base for that. It’s not clear to me, and it might be a question to put to the police, as to what evidence they had of what the public health risk was arising from this particular event. Because it has to be a facts specific proportionality assessment in each case. Of note, I think that there have only been, a few days before the Clapham Common event, the chief medical officer and Chris Whitty had given evidence to the Science and Technology Committee of the House of Commons, and their specific evidence was that mass gatherings outdoors appear to have represented a very low risk indeed and that there hadn’t been spikes, for example after beech gatherings and protest marches were specifically mentioned. In that context, a presumption of illegality is difficult to justify unless there had been some sort of medical evidence justifying it in this case. My view was that the police ought to have been looking to see how that could be facilitated, and not operating on the presumption that it couldn’t.

JD- Thank you. What is unsettling about this, to me, is that if that is true, then we’re effectively undermining the whole edifice of what freedom of association means in this country by ignoring where it starts with article 10 and 11. On that basis, what should we do to right the situation? I’ll put to Lord Paddock, what can we do within the police? And I’ll put to Doctor Aydin-Aitchison, what should we do in parliament with the legislation?

BP- The problem with the pandemic and the regulations and the tiers is that any list of reasonable excuse is not exhausted because it can’t be. You can’t think of every particular situation. And as Pippa was saying, the Gold Commander in charge of Clapham Common that, after the court case, in considering articles 10 and 11, actually wrote down something to the effect that ‘Protest is allowed under tiers 1-3 and it’s not allowed in tier 4, so obviously parliament intended that all protests should be banned in tier 4’, which is absolutely not the case, and was absolutely not the outcome of the court case. The court case said that every protest needs to be looked at on an individual basis. And the right to protest needs to be balanced against the protection of public health. You could very obviously argue that a negotiated protest with the organisers, where they were mandating that everyone attending the protest to wear a mask, a local authority was going to put covid marshals in place, they were going to have QR codes so people who attended could register that they were at the protest in case there was an outbreak of disease and so forth. Rather than, effectively banning the protest because the organiser withdrew because they feared that they were going to be fined because the police couldn’t give any reassurance around it, having a free for all.

JD- What I’m trying to get at here is that demonstrations were going on all over the country, and we didn’t have these problems all over the country. Is this specific to the Met police and if it is, what should we do about it? How do we stop this happening again?

BP- It’s interesting actually. In the HMIC report on policing protests, it’s quite clear when you read the evidence that it is only the Metropolitan police who were asking for more powers, who were asking for what is contained in the PCS bill, and not anywhere else in the country. Almost exclusively outside of London, Police Chiefs were saying that they didn’t need more powers, the limiting factor is the resources available in order to implement the law that we have. There is something about the culture in the Metropolitan police. In London, there’s a presumption on arrest whereas outside of London the presumption is reporting people for summons, in terms of offences. There is something wrong, I think, with the culture at the Metropolitan police, including the confrontational way that they approach protest compared with other police forces.

JD- Thank you. Dr Aydin-Aitchison.

AA- I think a lot of it does come down to processes with the police and I’m not sure how much it’s appropriate for parliament directly to intervene in that. I think it’s worth emphasising that there was an emphasis on consistency, but it seemed to be a consistency of outcome rather than consistency of process that was the emphasis. I think the consistency of process can lead to different outcomes and people recognising those outcomes as fair and legitimate. That’s probably the first thing to say. In terms of parliament, I support it would be good to put in a note of caution about the amendments that are proposed in the current bill to the 1986 act. Those extend the reasons for conditions without necessarily specifying the reasonable conditions. As far as parliament goes, a degree of caution about extending powers without putting in necessary checks and balances on how those powers are today executed. Certainly, in my evidence, I have a reoccurring concern about conflict of interest in decision making and the balance of police and other stake holders as well. Which I think is fundamental to principles of democratic responsiveness when we think about police as a body that should be governed democratically as well as making a contribution to our democracy.

JD- The ambiguity that we are talking about could complicate things for the police, such that it could undermine public trust in the police, is that what you’re saying?

AA- I think, definitely that would be an issue, and I think it would be something for parliamentarians to think about what are the necessary checks that go with any extension of powers, whether that’s specifying the limits to those or whether it is involving other actors when those powers are being exercised.

PW- There’s just a couple of factual things which I think might be helpful for you to know. When these vigils were being planned, it wasn’t just organisers in London that were planning vigils and protests, it was all over the country. With the exception of Nottingham, the same approach that was effectively taken by the metropolitan police was taken everywhere. I had one case where an organiser was visited by police at her home in order to hand her a cease-and-desist letter for trying to contact them with a view to seeing what could be done, which is an extraordinary approach. The reason this is of relevance to the bill is that this has come really centrally. It’s come from the College of Policing and NPCC guidance which got the law wrong and disseminated it effectively nationwide. But it has also come from political and ministerial direction. My fear is when you translate what is effectively a blueprint over then to the new bill, my fear is that you will see very much the same thing. Because the police need to know how they deal with very broad, very vague powers, and they will look to the College of Policing, they will look to central authorities to help them and if those authorities are acting restrictively and getting it wrong then there will be a nationwide problem. I would advocate very strongly for training on human rights and how the police need to be understanding their rights because I do lots of these cases where it is clear that they simply do not. It can be a resources issue, but I would argue that it’s of sufficient importance that we ought to be prioritising it.

GD- Thank you for that and thank you Jonathan. I want to move on now to the use of force in particular. I’d like to start with Lord Paddock, and I want to ask about when it’s appropriate to use force, what force is appropriate when using force and how one should respond to a generally peaceful protest but there’s a few protagonists with maybe a certain amount of violence occurring?

BP- This goes to the heart of what happened at Clapham Common really. My criticism of the police is that they allowed the situation to develop where in the end, the use of force and the things that we saw were almost inevitable albeit that they were completely avoidable. If you ban a protest, you almost always attract those people who are looking for violent confrontation with the police. As opposed to facilitating for example a candlelit vigil, consisting almost entirely of women, you are less likely to attract those who are looking for a violent confrontation with the police in the first place. Even taking the scenario that we ended up with anyway, the police should be looking at whether the forceful breaking up of the vigil was proportionate to the risk to public health. How many lives were saved, how much infection and transmission could be prevented by them going in and using force on the protestors? It’s a judgement question. I would argue that their actions probably increased the risk of infection rather than reducing them.

GD- There seems to me that there’s a difference between Clapham and Bristol, where Clapham was based largely on women gathering across London in a peaceful vigil was one situation where it seems to me at least, the use of force was completely inappropriate and counterproductive. In the case of Bristol, this protest was against the right to protest being taken away in a bill, so there were people who were angry and perhaps wanting to cause trouble. We saw violence on both sides didn’t we so, how should the police have responded in that case?

BP- Always the police should operate on the basis of containing violence rather than confronting it or provoking it. To minimise the harm and to minimise the damage in terms of damage to property and injury to people rather than forcibly trying to disperse. It’s not a tactic that works very well, we’ve seen in London where the police have attempted to breakup large protests, so they don’t end up with running gangs through London damaging property and causing injury to people in an uncontrolled way. Doing the minimum use of force in order to minimise the violence. Rather than, trying to move protesters which tends to provoke further violence.

GD- Thank you. And Pippa, when is force appropriate and how much?

PW- I’d endorse everything that Lord Paddock has already said, in relation to Clapham but also Bristol. Where the police were using the health protection regulations as the justification, the starting point is that they shouldn’t use any force at all because they don’t even have any enforcement powers unless they can demonstrate convincingly that the risk is such that it is necessary first of all to establish that it’s unlawful. And thereafter, there has to be, even in the enforcement decision, a proportionality assessment as Lord Paddock laid out. In reality, what I think we saw, particularly in Clapham is that this really wasn’t about risk to health because there’s no evidence to suggest there was any detailed assessment health. What I think actually was principally at play here was concerns about risk to reputation, and by that, I mean broadly police legitimacy and concerns about consistency. They have felt that they have had to break these things up and be seen to enforce, because they’ve enforcing in other places, and they’ve been put in a position where they need to be seen to be enforcing the rules. My view is that the use of force potentially in areas of Bristol but certainly in Clapham was grounded on a fundamentally bad premise, it came from a wrong starting point. The other thing I just wanted to say about what’s been discussed so far is that there is a danger when we talk about Clapham that we somehow treat it differently because we’ve used the word vigil and it’s concerned with women. And we’ve seen in some of the commentary and indeed in some of the committees that have looked at this, they have seen that there were women in some cases holding up a placard that had a political message and there were some women there who were angry about police failures as they perceive it to protect women, about the messages that had been sent out by some police in the winter before. The notion that this was a gathering that was less worthy of protection and less worthy of respect simply because people there were expressing political views is extremely dangerous and damaging. There is also concern that part of the police decision to ban this particular event was born out of a belief that women would be somehow more accepting of it and less likely to react in a hostile way than other protesters who might behave in a way that was more activist in some way.

GD- On this presumption of illegality that the police brought forward to stop this, and possibly new powers in the PCSC bill, do you think that that could be completely counterproductive in provoking rather than surprising protest and making it violent instead of peaceful? And do you think that perhaps Bristol was an example of that as well?

PW- I absolutely do, and I can see Lord Paddock nodding and indeed Dr Aydin-Aitchison as well. I think all of us who have experience in this area would absolutely agree that that is a very real risk and perhaps even an inevitability. Even at Clapham, we saw that the mood changed when a visible police presence arrived, and even in that context there was a reaction. My view and experience with police during the pandemic is that they have not wanted to be out into this position. They don’t want to be the gatekeepers, they want to be, in effect the good guys protecting us. Anything that puts the public in a situation where the police are seen to be both decision makers and jailers is likely to be very damaging for the police and is likely to inflame situations rather than help.

GD- Just briefly Lord Paddock, do you think the presumption of illegality and greater powers to stop protest will in fact backfire and people will feel more angry and perhaps it will drive people into other activity that might be less peaceful and less manageable and less democratic?

BR- Even when I was in the police service, it was the last resort to ban a protest, because it would attract those who were looking for a confrontation with the police. And we saw at Clapham Common, a group of people who were actually anti-vaxxer protesters and anti-police protesters were seen approaching the common. The police did nothing to stop them going there. And it was alleged that it was one of those people that was provoking the crowd into confrontation with the police. Having additional powers to place conditions on protests will result in attracting more violence than if you did not have that.

GD- Finally, Dr Aydin-Aitchison, have you got some comments on the appropriate use of force and the presumption of illegality and how new powers in the bill may end up being counterproductive to having peaceful democratic protest?

AA- Certainly, I think it would be instructive though it’s a different jurisdiction and a different set of regulations if you’re looking at what happened in terms of the policing of assembly in March to look at Glasgow the week before Clapham Common. When thousands of football fans gathered. A lot of people were not very happy about that, but given the nature of that gathering, given the presence of alcohol, actually I think you’ll find that the enforcement approach taken there was much more tolerant of the gathering, and much less ready to use force. I think that the size of that gathering when you compare it to Clapham Common in particulars much greater, and I think that would be very instructive. I think my comments on the rest probably just echoed that. It’s well known that perceived legitimacy of police decision-making does have an impact on crowd behaviour, and that where decision making is perceived to be legitimate, the bulk of the crowd will isolate those that might be more interested in provoking or seeking trouble. I think that’s quite important. Again, following on from what Pippa has said about trying to separate out different types of assemble and different groups of assemblers, for spontaneous protest even where there might be a sense that some kind of protest is less palatable, there’s still a necessary tolerance required as long as it remains peaceful.

GD- Over to Daisy Cooper.

Daisy Cooper MP (DC)- In the evidence we received, there was some talk of ‘best practice’ in terms of policing protests. We received examples of both the principles that underpin best practice, but also very specific tactics. A question to Dr Aydin-Aitchison and Lord Paddock would be, if you could both, please summarise what you think makes up best practice in terms of policing protests. Particularly post 2009.

BP- It’s more or less what I’ve said before that the police should be doing more to facilitate rather than trying to stop it. That banning or trying to control peaceful protests can result in more violence. It is infinitely preferable to work with organisers and to cooperate in order to facilitate a protest than trying to impose unreasonable conditions and restrictions. Not least because, and again this might be something to do with the different approach by different police forces, but London has a lot of police officers to call on in order to enforce that ban or conditions. Whereas outside of London, it’s more difficult for chief officers to summon a large number of police officers in order to do that. Which is why, in the HMIC report, a lot of police chiefs were saying that the limiting factor was the number of officers. But that’s a good thing. If they’re having to negotiate with organisers to facilitate a protest, rather than what I believe in London what happens too often is the police believing that they have the weight in numbers in order to enforce their will on protesters. That’s not what it’s supposed about, it’s supposed to be about the police being citizens in uniform who act like members of the public but with the powers that they have. Rather than presenting themselves as some sort of opposition, or as an occupying force tats set against local people rather than working alongside local people in order to achieve what the protesters in this case want.

DC- Thank you, just one quick follow up. You mentioned the importance of facilitation rather than banning but from an operational point of view, in your evidence you talk about the importance of liaison officer specifically. From an operational perspective, you would have any observations about the skills of the training that goes with that, and whether you think there is enough emphasis on providing liaison officers amongst the overall number of officers that exist?

BP- The extraordinary thing about Clapham Common was that they didn’t deploy liaison officers until 17:45 where 6 o’clock was the designated time. I think in fact, the bronze commander who was supposed to be in charge of policing on the ground didn’t turn up until 15 minutes before and the police had a completely distorted view of actually what was going on the common because they didn’t have anybody on the ground giving them feedback about what was going on. Police liaison officers, in a public order role, tend to be very experienced, very well-trained officers, who build a relationship with the organisers who they have been working with in organising the protest. Or indeed if it’s a spontaneous protest, being able to get alongside people who are leaders in that situation. It helps to identify troublemakers for example. It’s a tried and tested method of helping to achieve these ends of a facilitated protest which the met police seem to completely ignore.

AA- I suspect that best practice often goes unnoticed because it doesn’t often result in high profile incidents like the one, we’re viewing. It’s often easy to talk about it from some of the gaps but I know that as far back as 2009 at the Smash NATO/Stop the war protests, there was an early attempt to work with negotiation interaction and restraint. And I think what happened that undermined that slightly wasn’t the negotiators themselves, but it was further up the chain of command with the relatively early deployment of the public support units. I think putting visible police in their full riot gear changes the tone. I guess the restraint in deployment was probably one key thing and that was noted by colleagues here at Edinburgh. Colleagues at Liverpool John Moores and York have also noted that there have been gaps where police have been quite contingent, and they’ve got a notion of what is acceptable and unacceptable in terms of protest and I think that has also been seen in the protests around fracking in Manchester and Salford in 2013/2014. There was a clear notion that people coming from outside the protest somehow were less legitimate protesters than those in the local community and I think that that is perhaps a false binary that’s being drawn as well. And that seemed to have shaped the police attitude to when restrain was required and who negotiation was required with. I think police need to be quite inclusive when they look at this in terms of who are the stakeholders in any public order situation.

DC- Thank you. I’ve got two final questions so I’m going to read them together and invite all three of you to comment on whichever one you prefer. So, following up on this suggestion of best practice, one of the suggestions we’ve received is around the use of parades commission. I wonder for your views on whether you think that could work over here. Obviously, the parades commission used in Northern Ireland often had human rights observers in the control rooms and it would be helpful to hear your views on that. And the final question I had was really about the separation of decision maker and enforcer, it’s something we referred to earlier in the session. I think we have concerns that perhaps both in the coronavirus legislation and in the PCSE bill, that those two functions are put side by side and there isn’t a separation of those two powers. And I just wondered what recommendations you would make in relation to separating out those two powers of decision maker and enforcer?

BP- If you’re going to have these enhanced powers in the PCSC bill, then I think it’s important that you have a completely politically independent both of politicians and of the police body, who are making decision around what is reasonable, what sort of restrictions as you have in Northern Ireland. And in Northern Ireland during the marching season, certainly in the past, PSNI have had human rights observers in the control room who can offer advice to the police in terms of what is proportionate and what is necessary in terms of use of force and so forth. And that would seem to me to be important safeguards were these additional powers to be given. It would be useful in terms of the police use of existing powers. As people have said, the police don’t want to be seen as the bad guys, and therefore if decisions around banning protest or severely restricting protest was made by an independent body, then that would help in terms of the actions that they then take on the ground being seen as legitimate and having the cooperation of the crowd i.e., that it’s not the police who are trying to stop us protesting, who need to be confronted.

PW- I would agree with that in principle but I’m afraid that my view is that part 3 of the proposed bill is not likely to be salvageable from a legitimacy perspective. The scope and the breadth of the language and the delegation to the Home Secretary to further define matters are so unclear, so broad, they’re so draconian and so all-encompassing much like the coronavirus regulations that without there being much more clarity, much narrower legal provision, the reality is that you’re going to force the police into make decision that inherently political, inherently subject to criticism and like to be more restrictive than they ought to be and I think they need to be under human rights protections. I also have concerns as to whether the provisions themselves are compatible with articles 10 and 11 rights that there’s well established case law about. Disruption being a necessary and acceptable part or protest. And to the extent that the bill seeks effectively to remove any possibility or risk of disruptions, to any greater or lesser extent, I think see challenges in the courts about that.

DC- Thank you. Finally, Dr Aydin-Aitchison.

AA- I think that definitely there needs to be a separation of the issues here. What are the provisions themselves and then issues about the process? But definitely on the process, I think principles of democratic governance of the police responsiveness really suggests that there needs to be a range of different actors who are involved in decision making and decision review potentially. But even if you deal with that, and that deals with certain conflicts of interest especially when protests may be anti-police protests, there still remains the necessary tolerance of unlawful protest while it remains peaceful. I don’t think the parade’s commission model resolves that, and so it is something that I would stress you need to keep in view.

DC- Thank you very much. Chair, back to you.

GD- Can I ask a final question of Lord Paddock so that we’re clear. Is it your view that the current powers of the police are sufficient and have the right balance between democracy, peaceful protest and security of civilians and public safety, and that I addition perhaps there is a need to separate out who decided whether to ban a protest and who enforces it? Or do you think there should be changes in the new bill?

BP- There is no need for additional police powers. You might even argue that some of the powers that already exist go too far and if other forces outside of London had the resources that the Metropolitan police have, we might see more confrontation than we currently do. If anything, I think the Metropolitan police needs to take a look at themselves in terms of its attitude towards protest. But maybe they feel political pressure more than chief constables around the country. Albeit that it was obviously too much for the chief constable of Avon and Somerset who’s decided to throw in the towel. Because he cannot police, my own take, he cannot police Bristol as he wants to.

GD- Okay. And Pippa, just in a nutshell, is your view in essence that the new bill isn’t really necessary because we’ve got the balance about right, and if it’s not bust don’t fix it?

PW- Absolutely, the powers that the police need to deal with many of the complains that are raised for example raising out of extinction rebellion, the police have already very broad powers to put conditions on and on some occasions to ban protests where there is quote ‘serious disruption’. That includes and takes care of where there is likely to be a prevention of emergency vehicles for example, there are a whole range of criminal offences, which I and others are well used to defending people and appearing in courts in respect of. Obstruction of the highways, criminal damage and the like, there are a whole range of powers already and the claim to need these powers, I’m afraid, is just wrong.

GD- Okay, and in a nutshell again Dr Aydin-Aitchison, do you think we’re about in the right place, obviously there’s lessons to be learned, but would you agree with the other panellists that there’s not a pressing need for more police powers or can we organise things as we are?

AA- I would say that there’s not a pressing need and more than that I would say that there’s a pressing concern. We’ve heard mention of the chilling effect, that the moves that are being suggested really would have a chilling effect on those people who might wish to go to protest and potentially concentrate then people to protest who are much more likely to be antagonistic to police and maybe more invested in techniques of protest without concern for their lawfulness.

BP- Can I just add one more thing? A freelance editor who has worked for HMIC for 5 years made a formal written complaint about the inspection of policing protests on the basis that she felt the evidence that HMIC had gathered did not justify the conclusions that report which supported the PCSC Bill. So, it’s not just us saying it, it is people who have worked with HMIC who say the evidence that they objectively collected from police officers as well as others do not justify further legislation.

GD- If there’s anything further that any of the panel would like to make in writing after this meeting, we’d greatly appreciate that. Thank you all for shedding so much light on an area which has got quite a lot of heat. Thank you very much indeed.

**Panel 2**

In Attendance

Geraint Davies MP (Chair)

Daisy Cooper MP

Jonathan Djanogly MP

Lord John Henry

CCA3- Present at Clapham Common

BA8- Present at Bristol

Representative from Reclaim These Streets

Daisy Cooper MP (DC)- I’ve got two questions and they’re going to be split into two. So, the first question that I want to ask you about is whether you can talk us through the week running up to the High Court judgement and then I’ll as you a second question about what happened from the High Court judgement onwards. I was wondering if you could talk us through that week and to let us know what discussions you had with the Metropolitan police and what was proposed and what they actually did or didn’t do to help facilitate the freedom of expression and peaceful assembly?

Reclaim these streets Representative (RTS)- It wasn’t even a week in the run up to the high court. On the Wednesday evening, myself and a group of other women in south London came together to talk about the want to organise a vigil. We had missing posters on every lamppost in our streets and felt really angry that women were being asked to change their behaviour, that should never be the response to violence against women. So, on Wednesday evening we discussed that, that same evening we set up the Facebook event and a Twitter page, registered for a government QR code and emailed the Assistant Director in Lambeth Council responsible for community safety and the Lambeth borough command to inform them of our intention to do a vigil and to open those lines of communication to invite and feedback. On the Thursday, we set out a timeline in my written evidence, we received a response and had meetings on the Thursday and put forward a list of proposed mitigations to make the event safe. We felt very strongly that a discussion of women’s safety would be totally inappropriate if we put women at further risk, so that was certainly never our intention. We had been working on recruiting events stewards and talking with large trade unions so that we had people with lots of experience of stewarding large events. We registered for a QR code before and would be putting that up around the common. We were looking at getting a PA system so that you could spread out safely and still be able to hear anything without needing to crowd around the bandstand. And we were very explicit that we were open to any suggestion from officers on what they believed would make it safer. That was the run up. Initially, at a Lambeth level, there was some gratitude that we’d been in touch, certainly an openness to having those discussions, and real support from council officers who could see the need for women to be able to come together in light of a really awful week to be a woman. Worse than normal. We’d started in this place of it feeling quite constructive, and then there was a point at which the responses became a little unsettling. So, we were told that organising an event is still illegal. We didn’t believe to be illegal, and this set off our first alarm bells. We felt that, obviously if we turned up and everyone licked lampposts and large groups without social distancing that might well be illegal, but that our proposals were proportionate and responsible. And that we were happy to change them with and advice from people who had experience. So that was our turning point. And that came from higher up than the Lambeth officers that we had been working with previously. I think your previous panel talked about the threat of the £10,000 fines, that was threatened to all organisers. Which would have been a huge amount of money collectively, £10,000 is a lot individually but between us it would be many tens of thousands. And you were to spread that out across, by this point there were at least between 30 and 40 vigils planned across the country. Assuming there was only one organiser of all of them, the fines taken in by police across the UK would have been well over half a million pounds, which we felt was quite and extraordinary fine to levy on women who simply wanted to say that violence against women wasn’t okay in a really peaceful way. The thing that really put us off wasn’t simply the fines but that we would be breaking the law under sections 44 and 45 of the Serious Crimes Act 2007. It wasn’t simply that the fine was unaffordable to a group of largely young women, but also that that’s an incredibly serous thing to have on your record forever, and that before we had done anything, our reward for reaching out and seeking to be constructive was threatened with really serious criminal prosecution.

DC- Thank you. Can I ask specifically, on the Metropolitan police, did you feel that they did anything at any point to proactively reach out to you to help facilitate the protest at any stage?

RTS- No-one from any police force reached out to us. The only contact we had was because we had initiated it. And we made ourselves very available and did have some meetings with them. Some of the language they used was that ‘their hands were tied by the law’ and that ‘they had to be consistent’ and that meant that no events could go ahead. We’ve recently had disclosure from the police and our lawyers have requested on the documents in the run up, and nothing we’ve seen suggests or makes us think that they did anything other than treat all protest as unlawful. So, looking at stuff that we can see now and that we couldn’t at the time, it seems that that blanket approach was very much at the heart of their communications with us.

DC- I’m going to move onto the next question which was about how the Metropolitan police addressed the issues raised by the High Court’s judgement on the 12th. And once you had the judgement, how the metropolitan police responded to that and what happened to the talks between yourself as the organisers and the metropolitan police?

RTS- The court case was the Friday afternoon. We were quite surprised by some of the comments and contributions made by the lawyer representing the police as we didn’t feel that his representations to the judge reflected the language or approach taken by police in advance of the court case. The lawyer representing them whose name, will come back to me, was basically saying that of course some protest is legal because human rights are important and there’s no blanket ban. And essentially, it was almost like being gaslit in a courtroom where we’d heard the opposite very shortly before the High Court case. The judge, we felt that his comments at the end were fairly clear even if they didn’t give us the piece of paper we wanted. There was the need for human rights to be taken into account in a proportionate way and that should be don’t in a constructive way. We felt that the ball was in the Met’s court. We met them straight after the court case, well we met with our lawyers and then met with the police again and put forward more suggestions on how we could make it safe.

DC- And that was on the Friday night, yes?

RTS- Yes on the Friday night. So, we looked at things such as staggering start times, and during that meeting, the police put out a press statement saying that they had won their court case and the event was unlawful and encouraged people to stay at home. So, we were still in the room when that was made public. And that was the NPCC advice that was sent across the whole of the UK, that happened whilst we were in the room too.

DC- Thank you very much. Chair I’ll hand back to you

GD- We have got witnesses here from Bristol and Clapham Common, I just wondered whether they wanted to make a comment in response to Daisy’s line of questioning before going back to Jonathan. So, can we have the attendee who was at Clapham first and then over to Bristol.

Attendee at Clapham Common (CCA3)- Hi. I don’t have anything to add because I was a ‘normal’ attendee, so I wasn’t involved in any of the lead up to it. But it was my understanding after the High Court ruling that protest was not unlawful per se as long as it was proportionate and safe. Which is why I continued to attend.

GD- Okay. In terms of our attendee at Bristol, is there anything to say about that?

Attendee at Bristol (BA8)- No, my comments are specifically about Bristol.

GD- Okay, we’ll move on. Jonathan over to you.

Jonathan Djanogly MP (JD)- Thank you chair. Having heard the previous conversation, I would just like to get to the bottom of this. So, are we saying that all of the attendees didn’t think that what they were doing was unlawful?

BA8- I was there in my capacity as a journalist, so yes. And at the edge of the gathering a lot of the time. But yes, I was there as a journalist.

JD- And did you feel that other people were there lawfully?

BA8- My understanding is that during the protest ban, that protests weren’t allowed.

JD- Okay, and CCA3? I think you said that whilst you were there you thought that what you were doing was lawful?

CCA3- Yep, that’s right. I thought that the basic human right to assembly and protest which is covered in the Human Rights Act and the European Convention on Human Rights covered me quite comprehensively.

JD- Right. And RTS, you thought that police were saying that what you were doing was illegal. But you felt, actually, what you were doing, was legal?

RTS- At no point did we feel that we were doing an illegal thing. We felt that we couldn’t attend because the police had out us in a position of arresting criminal prosecution even though we felt that it would be unjustified if they had done so.

JD- One thing that I’ve just done is to show that whatever the rights and wrongs or whether it was legal or not legal, no-one really knew what the legal position was at all. So, we established in the last meeting was that the police didn’t know what the legal position was, we’ve just established that none of the demonstrators knew what the legal position was so clearly something’s wrong in the way that this system is operating. So, the follow up question is, would you consider that the law and guidance on public gatherings is clear that this is a peaceful assembly? Either with the covid regulations or without?

RTS- Would it be alright to quickly come back on your interpretation of the answer slightly? While there clearly was some uncertainty, none of us set out thinking that we were doing anything illegal by organising a vigil. Our assumption was very much that done the correct way it was legal. And that remained our understanding of the law. But we had a High Court case and that was made incredibly clear by the High Court judge. Even if there’s an excuse before that Friday of a grey area or lack of understanding, there’s absolutely zero excuse after the High Court ruling because I believe that it was a very comprehensive, and even as someone who has absolutely no understanding of the legal things, it was very easy to understand what that meant. And that after that point, there was a deliberate misunderstanding of the law by the metropolitan police certainly. And a lack of good faith in that they put out statements whilst we were still in negotiations with them. It’s been incredibly difficult to enforcement bodies because the quality of legislation coming out of Parliament and being put into their hands to enforce has been poor, and it hasn’t been clear in all ways and that has made their job harder. The also made their own jobs harder in their approach to doing that.

JD- Thank you. Going next to the other two panelists, from what you’ve experienced, do you feel that guidance is clear? What would you like to see happen in the future? If you went again, what would you want to know that you didn’t know last time?

CCA3- I think there’s an interesting question here about whether or not me knowing more about the lawfulness or “unlawfulness” would have changed my outcome, whether or not I would have attended or otherwise. Because I believe protest is a fundamental human right whether that’s baked into laws now or in the future. To be completely honest, I wasn’t going to be looking into the law about whether or not it was lawful for me to attend a protest because it’s always been my understanding that we live in the UK, which is a modern democracy, where protest is part of a lively democracy. So that will remain my understanding of our society, regardless of the law.

JD- Thank you. BA8?

BA8- Yeah, I was quite concerned when the rules were changed very quickly to suddenly count protests as one of the public gatherings that you couldn’t have. That seemed to me like quite a worrying turn of events. I think a lot of the clashes came from that; people wouldn’t have turned out to a protest in such numbers if such a fundamental human right wasn’t being threatened. That’s my personal opinion, not from a reported point of view.

JD- Thank you. Chairman, I’m just going to finish on one last question if I may and I’m going to refer to one of the witness statements that we had from CCA7. I’m going to read a small exert here and I’d be interested to hear, particularly RTS’s view on this. It says “the HMIC report clearly states that the decision to ban a vigil led by RTS was made because of fears that Sister’s Uncut would instead be a major presence at the gathering. This strategy was evidently self-defeating. The retreat of RTS created a vacuum which Sisters Uncut eagerly filled. Instead of an event lead by moderate feminists in cooperation with the police, the Met’s decisions created the conditions for far more radical, far less covid safe event. Which gave a major platform to the very group over which the Met had expressed those concerns and inspired copycat protests in cities across the country. I’m not sure what the role of the Met is to choose between feminist organisations of different stripes as to who gets the right to protest.” Would you agree with that?

RTS- Not in its entirety. I think that the Metropolitan police had an opportunity to engage with us as organisers to create something that would have been covid safe, and we’d have been a ‘model protest’ for want of a better phrase. We were very willing and open to working with them and wanted to make sure that everyone attending was safe and that included being safe from infection. We were clear throughout that if they didn’t work with us, there was going to be a presence on Clapham Common and possibly elsewhere regardless, and there was absolutely nothing that we could do about that, whether or not we cancelled. Not because we’d ‘let a genie out of the bag, but before we’d even started organising there were already people talking about coming together so one of the motivations for us to want to organise something was so that we could bring together those groups and make sure that-. You know, I’m a local elected official as is one of the other organisers, others of us have other positions and responsibilities in our communities and we feel really strongly that we wanted to keep people safe. The part that I disagree with is that I don’t think the police have any type of role in differentiating between different kinds of feminists. It was a group of women who care about women’s safety and I don’t think that it’s appropriate for me or anybody to say that these are good feminists, and these are bad feminists. Have a risk assessment or have a conversation with an organiser, determine what would make a protest safe and what would make a protest unsafe, and the police it appropriately regardless of the content. Sisters Uncut are well within their rights to turn up at anything they want or make any statements that they like that represent their political views and that’s what their rights are as enshrined under the Human Rights Act.

JD- Would the other two likes to comment?

CCA3- Yeah, I think that I completely agree with what RTS has said. You can say that arguably the police could have overseen an event with a more “mild” tone were they to constructively work alongside RTS. When I say mild tone, I don’t care about the political approach or content per se. I mean an event with more infrastructure essentially. A PA system, marshals, people handing out sanitiser and masks and the like. More safe and proportionate, which is arguably what we wanted. However, I do think that it’s important that it’s proportional and right that a peaceful protest would ensure regardless of political tone. I don’t think it’s for the police or anyone to arbitrate the content and tone of women and allies mourning the loss of a woman to alleged police violence regardless of their political affiliation. It should be an equal right for any person.

JD- Thank you very much. Chair, back to you.

GD- Thank you. Over to John Hendy.

Lord John Hendy (JH)- Thanks chair. We’ve all seen the the television coverage at the time, and we’ve all read the statements and it’s clear that patricianly at Clapham, that the police on the ground at the time changed in their behaviour towards those who were engaged in the vigil. I think the same may be said at Bristol as well. Can I ask you all, what you consider caused that change in behaviour by the police?

CCA3- I don’t know, but I believe it was strategy. Because I can’t see how it would be anything other than strategy. I arrived at around 5:40 and I stayed until around 7. At the time in which we arrived; police were standing around the outskirts in small clusters completely disengaged with attendees. I tried to make eye-contact with police, I overheard them speaking and nothing, there was very little engagement whatsoever. And when the sun went down, it became dark. And then I watched, I was stood next to a group of police officers, who were getting communications on radio’s and then they marched into the crowd and pushed passed people and forced it to disband. And the event was materially precisely the same prior to them doing that and when they did it, if that makes sense. No tone had shifted, the event hadn’t changed in its nature. The difference, in my view, was the sun going down. It became darker. I don’t know what the approach was or what the strategy was. Was it that in the dark they’ll have less accountability or that in the dark they’ll be able to claim unlawfulness whereas in the light it was lawful? I don’t understand.

JH- One point I think was made, was that the police were asking people to leave and some of the witness evidence that we’ve seen says that the women were actually in the course of leaving at around 6:30 in any event. Do you recollect being asked to leave by the police?

CCA3- No. I was stood next to a group of 6 police officers, so the idea that they were asking protesters to leave is possible, but I was stood directly within earshot next to police officers and I was not asked to leave. I was shoved as they went into the crowd supposedly to disperse people, but more forcefully perhaps. I was not asked to leave.

JH- Just on that, what did you deduce from the police officers going into the crowd? What intention did you think that they had in doing that?

CCA3- I watched what happened. I got a better vantage point, I stood on a bench. I forgot to mention on your point about it disbanding naturally anyway, completely. It was cold, it was dark, and because there was no infrastructure to the event, we couldn’t hear a damn thing. There was no speaker system so no-one could hear anything from the speakers on the band stand. There where rumblings about it being cold and dark so let’s go home, and me and my partner were going to go home and then the police pushed passed us, there was a big scuffle, lots of pushing and screaming etc and that prolonged our stay because we thought that we needed to bear witness of what was happening. I wanted to be ready to get my phone out and record this. I to understand what’s going to happen here. And to be completely frank, curiosity. So, I did stay, as did, I believe many other people who would have gone home otherwise because it was cold. What they were intending to do, I watched as they made their way to the bandstand, where there were speakers. They forcefully tried to remove the speakers from the bandstand. I couldn’t count how many women where on the bandstand or how many police officers, but it seemed certainly disproportionate you can probably make that out better in some of the footage that we’ve seen. That then actually led to more agitation because then people were defending the women on the bandstand by holding them and trying to help them maintain their position on the bandstand. The crowd stated chanting “Let her speak” which I participated in, and they previously hadn’t been agitation or chanting. We were attempting to listen to speakers quietly. So, this created a sense of agitation and hostility which was really frightening and hadn’t prior existed. I don’t think they achieve what they were arguably trying to achieve, though I’m dubious as to whether that was what they were trying to achieve because I don’t understand how such a strategy would have achieved that.

JH\_ thank very much, that’s very helpful. Can I ask then, in relation to Bristol, did you detect a change in the behaviour of the police during the two evenings?

BA8- So I attended four of the protests, there have been nine now. Yeah, I think that what was the most surprising was the one on the Sunday, the 21st that ended up in a siege of the police station. The one after that was a very quiet sit-down occupation of College Green, it was a different group of people. About maybe 200 people and it was an extremely quiet night, everyone was sat listening to speeches, poems, there was a sing along and then at 10 o’clock on the dot, police surrounded on three sides and just started marching inwards. I had one person describe to me as ‘revenge policing’ because of what had happened on Sunday as this show of force.

JH- What was your opinion of the motive of the police in behaving in that way?

BA8- I was very surprised, I hadn’t expected it. I missed the start of the eviction because I’d gone to go home because nothing was happening, it was a very quiet night and I thought that there was no point in me being there. So, I’d actually stated to leave for home when I saw the police helicopter in the air, and I came back and then it was a completely different thing, and everything was in chaos. It felt to me like a very disproportionate use of force, quite a shocking disproportionate use of force. There was a lot of violence towards people who were sitting down. A lot of this coming from accounts that I have had since. I’ve spoke to a lot of protesters for articles afterwards and I can read some of the accounts if that would be helpful? I’ve got snippets.

JH- It would be helpful for us to see them, I don’t think there’s going to be time now but in due course I’m sure the chair would think that that would be helpful for us to see, thank you. Did you detect a change in police behaviour on subsequent days or how would you describe it?

BA8- Yeah, so when the protest ban was lifted, I’ve been at two protests since and they were a lot more hands off, extremely hands off in fact. And let the protest run its course. The police did get involved on Saturday the 3rd of April, after there was a scuffle between some locals and some of the protestors. They came with a lot of force and a lot of numbers, I counted 15 police vans at one stage for a very small group. But they were a lot more hands off in their policing then. I saw a few of the arrests take place, and there were several officers to each person that they arrested but they were communicating to the people and saying what are going to do rather than the quite violent tactics that we’ve seen on the videos of the previous protest. There was a marked difference in policing.

JH- very east question, we’ve seen int he witnesses statement and indeed in some of the television coverage of police using batons on protesters on the ground. And using shields in a manner described as ‘blading’, did you see any of that?

BA8- No, not personally. We were doing shifts; my colleague saw some of that. And I’ve had lot of accounts.

JH- Thank you chair.

DC- Chair, may I ask two very short questions?

GD- Yes Daisy.

DC- Thank you, both to RTS and CAA3, one was a point of clarification. RTS, you mentioned that each of the organisers were threatened with a £10,000 fine which came from the coronavirus legislation, you also mentioned that the police had cited the Serious Crime’s Act as well, could you just explain specifically which part of the Serious Crime Act they were suggesting they might charge you with?

RTS- Sections 44 and 45.

DC- Thank you. And the last question to put to both of you. It was put to us in the early session today that some people have perhaps suggested that the police came in harder on this particular event because they thought that as it was organised by women on a women’s safety issue that the women organisers might be more likely to accept the decision of the police. Is that a sense that either of you felt at the time? Or that anybody might have suggested being the case?

RTS- I certainly feel that our treatment has been affected by our gender. I think that the part of our treatment that I found most offensive was the HMIC report which suggested that the organisers were inexperienced and naive and that there ought to be a better respect for public official s when we include in our number 2 public officials who between us have decades of experience working with police and communities as well as organisers who have decades of experience individuals or organising large scale public events. The choice of those terms was gendered, I think that our treatment has been condescending, sometimes moved from pure condescension to avert rudeness. Not only from male officers though, but that’s also been our experience of both male and female officers. I think that, sometimes I really kick myself, If we’d just organised it and never bothered to reach out in a constructive way to the police, we’re almost being punished for having asked to work with the to create something safer and that if we’d simply come out of a football match, had a few drinks and decided to have a vigil, we wouldn’t have been treated with at all the same heavy handedness. I don’t know whether that’s because we’re women that they thought that we were playing nicely by asking, we weren’t asking for permission at any point, we informed then that we would be doing this, we did not ask them if we could do this. It wasn’t in their gift to tell us that we couldn’t, we asked them so that we could do so safely and in what they would consider to be proportionate. And so that we could support them to police it in a safe and respectful manner. We felt that we were doing them a kindness and it was seen as weakness, I think.

DC- Thank you. CCA3 did you want to add anything to that?

CCA3- I just had a reflection on the night itself which was had it gone ahead with Reclaim these Streets having leadership of the organising of it, would the police have stormed the stage at 7 o’clock and forced Harriet Harman off the stage if she was speaking. As opposed to a woman who was not Harriet Harman, it was a woman who had a different political approach and a different political expression. Would the same force have been used; would the images have come out the same with Harriet Harman being bound off in handcuffs? Arguably not.

DC- Thank you.

GD- I’ve got the final questions, so can I ask CCA3, in terms of what we’ve heard already, about the activities of the police intervening in the way they did, do you feel that there’s a need for more rather than less police power to stop gatherings and to use further powers that may be given in the new PCSC bill?

CCA3- If policing of events like this are carried out in a proportionate and appropriate manner where the police acted as a facilitator of our rights to assemble, performing in a capacity of escalating rising tension and marshalling and offering help to vulnerable people, and bearing witness to democracy then yes, I would be already comfortable with the idea of the police having greater powers. But what I know of the police, that isn’t how they view their role, that isn’t the role they play in practice. So no, I don’t want there to be more police power. What I’ve experienced suggests that would be deeply worrying and would not be aligned with democratic society.

GD- So in other words, you think that the role of the police really should be to help and enable free expression in a democratic way and in a peaceful way where public health is respected. And not to try and restrict people’s expression and then break it up through forceful means. And you don’t think that they should have more power to make those choices, is that right?

CCA3- Yes that’s right, that’s absolutely right. If the police were in a facilitating capacity, because the state is supposed to protect and enable us to peacefully protest as part of democracy, then if the police were playing that role, then that would be great. That’s what I would want. I think, the police are in a role of supporting social distancing and handing out masks or hand sanitiser or something at the Clapham Common vigil, then it would have been a welcome contribution. I’m not someone who has a blanket sight of view of the police. I view them as a varied group of people in the way that any group of people is a varied group of people. Not innately one thing or the other. So had there been that willingness to participate constructively then I would have felt very comfortable with their presence. But knowing what I know, and having attended protests in the past, I think the new bill is really concerning.

GD- Can I ask BA8, given that you had experienced different events in Bristol, on the one hand quite an aggressive approach by the police but on the other one which was much more sensitive if you like, do you think the direction of travel for legislation should be to have more police powers to stop people protesting because they think they might make a noise etc, or towards helping to facilitate safe and peaceful protest and to enable people to express themselves so they don’t end up going underground and thinking of other ways of doing it?

BA8- Yeah definitely. I think that from what we’ve seen from the different ways that protest were policed during and after the lockdown, we saw that giving the police the power to create arbitrary start and end times to protests created flash points of confrontation that didn’t need to be there. I think the protest would have just finished on their own if they’d been left to it. CCA3 said that people stayed around to bear witness and to look out for people, especially after the previous protests where violence had occurred. People then wanted to look after everyone and make sure that things were witnessed so I think it meant that people stayed out for longer. I think as well that the fines for organising meant that there were no known organisers, meaning that it didn’t stop people turning up, it just meant that there wasn’t any plan to it and there wasn’t a natural end to things. It was just whoever was the most charismatic person on the night could just decide where people would go next. Quite an important point for me is that if protestors can expect the same amounts of police aggression in the future as we’ve seen during the lockdown, it’s going to deter everyone but the most diehard protestors, the people who aren’t deterred by the likelihood of police aggression. I can see it changing the face of protest and it won’t stop protest, it will just make them naturally more confrontational. That was my key takeaway from what I saw.

GD- That’s very helpful. And finally, RTS, in terms of looking toward future legislation, would you want to see the direction of travel toward more accommodating engagement from the police in terms of peaceful protest or greater powers to basically shut down protests that they think might make a noise, which is currently in the bill. And have you got any further very brief comments about the forthcoming bill?

RTS- I don’t think the police should have nay power to prevent a peaceful protest. And I was very concerned by some comments from colleagues of course when I took part in the Home Affairs Select Committee hearing on this issue and elsewhere that a vigil would have been okay and a protest with a political banner wasn’t. And the idea that either politicians or police are able to decide whether the content of a protest is legitimate or not. Kind of undermines the whole point of having one in the first place. The point is to express disagreement, solidarity or unhappiness with something so by virtue of that it can’t be one that is decided on its content. Where I would like to see more power is in the way the police are policed. I think, my experience with the HMIC report process was that the mechanisms to make sure that the police are held accountable are poor, they aren’t doing their job, they do not hold the police accountable and its basically police marking their own homework. There have been steps taken to politicise policing through PCC’s and others but that hasn’t resulted in greater accountability. We saw that in some parts of the country, there were PCC’s who were supportive of the aims and want to have peaceful vigil in the wake of Sarah Everard’s disappearance and death, but police forces didn’t enact that. So, I think that that’s a problem. I think that the relationship between some parts of elected officials and the police is dangerous. I think Pippa in your previous panel talked about that it wasn’t simply a case of them overstepping but that there was ministerial direction. I think that what we have to be very careful of the dividing lines between government and enforcement so that we’re able to have a genuinely independent police force with a well-written clear law that able to enforce in a proportionate manner and with proper accountability structures so that if they behave disproportionately for they miss-interpret law of the act beyond what’s permitted, then there are proper mechanisms to change the culture within that force as well as tackling the leadership that created that problem.

GD- That’s very helpful indeed, we’ve got to bring this hearing to a close. We will be having another hearing with the police themselves. Can I thank the three of you for sharing your thoughts and your experiences.