



OPCC

Office of the Police &
Crime Commissioner
for Gloucestershire

21st July 2021

**Getting the Balance Right: How effectively the Police deal with Protests-
Response to the National HMICFRS Report**

HMICFRS conducted a national report into the effectiveness of the polices' response to protests, which can be found [here](#). This national report involved the inspection of seven forces including Gloucestershire Constabulary. There were two recommendations in the report which were applicable to Gloucestershire and four areas of improvement. These recommendations have been responded to individually by the Deputy Chief Constable in the below table on behalf of the constabulary.

I agree with the response provided by the Deputy Chief Constable to the report and recommendations . I also agree with the need to monitor the outcome of those recommendations not directly applicable to this force.

Chris Nelson

Police and Crime Commissioner for Gloucester

Gloucestershire Constabulary

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Mr Richard Bradley
Chief Executive
Office Police and Crime Commissioner –
Gloucestershire

Our Ref: JS-jms/Bradley HMICFRS Policing
Protests

Email: jon.stratford@gloucestershire.police.uk

Direct Dial: 01452 752331

Date: 10 May 2021

Dear Richard,

**Re: Response to the national HMICFRS report
Getting the balance right – How effectively the police deal with protests**

Please find below our response to the above report, aimed at assisting you to meet the requirements of Section 55(1) of the Police Act 1996. The report is national report and Gloucestershire Constabulary was not one of the seven forces inspected.

There are recommendations for a number of agencies. The two recommendations and three areas for improvement relating to the Police Service, together with an assessment of force activity against those begins on page three of the attached table.

The Recommendations directed at other agencies do not require individual forces to implement changes at this time. However, we will monitor the outcome for any impact it may subsequently have.

Please do not hesitate to contact me should you require any further information.

Yours sincerely



Jon Stratford
Deputy Chief Constable

Att/.



Getting the balance right – An inspection of how effectively the police deal with protests

Ref	HMICFRS	Owner	Timescale	Progress
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.	NPCC	30 June 2022	Not applicable at present – Outcome will be monitored for any implementation needed.
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.	NPCC	Immediately	Not applicable at present – Outcome will be monitored for any implementation needed.
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	CoP	30 June 2022	Not applicable at present – Outcome will be monitored for any implementation needed.

	advice and aide memoire into a single source (or a linked series of documents).			
4	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.	Chief Constables	31 December 2021	The Legal Services Team have applied to join this facility (access is not automatic, but granted upon successful application). It is hoped that access shall be granted imminently and that the resource shall be accessed thereafter on a regular basis.
5	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.	CoP	31 December 2021	Not applicable at present – Outcome will be monitored for any implementation needed.
6	<p>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:</p> <ul style="list-style-type: none"> • 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 	Chief Constables	31 December 2021	<p>The current practice is to conduct debriefs where it is identified that learning can be gained from the operation or incident, however in light of assessment against this report, it has been identified that these can be ad-hoc and not completed consistently in line the recommendation and that current practices can be further developed.</p> <p>The proposal is to amend the current template documents, which were developed in 2019. Therefore, the template documents for Gold, Silver and Bronze plans will be adapted to include a section to capture 'hot-debrief' topics and a link to the 'National Post Event Learning Review' form, for completion by Silver Commanders. This would then be reviewed by the event Gold for sign-off and submission.</p> <p>The Inspection report states that de-briefs should be proportionate to the event, therefore, scaling the de-brief requirements, from a hot de-brief, to submission of the NPELR form, and ultimately to a 'Structured De-brief' where appropriate, is commensurate with the recommendations.</p>

	<ul style="list-style-type: none"> the form is signed off by a gold commander prior to submission to the National Police Coordination Centre. 			
7	<p>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.</p>	CoP	31 December 2021	Not applicable at present – Outcome will be monitored for any implementation needed.
8	<p>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:</p> <ul style="list-style-type: none"> 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. 	Home Office	30 June 2022	Not applicable at present – Outcome will be monitored for any implementation needed.

9	<p>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:</p> <ul style="list-style-type: none"> • the creation and operation of a quality assurance process; and/or • the provision of more focused continuous professional development. <p>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 or disorder above which enforcement action will be considered.</p>	NPCC	30 June 2022	Not applicable at present – Outcome will be monitored for any implementation needed.
10	<p>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.</p>	NPCC	30 June 2022	Not applicable at present – Outcome will be monitored for any implementation needed.
11	<p>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.</p>	Home Office	30 June 2022	Not applicable at present – Outcome will be monitored for any implementation needed.
12	<p>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</p>	Home Office	30 June 2022	Not applicable at present – Outcome will be monitored for any implementation needed.

	provision for the prohibition of public assemblies.			
13	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.	Home Office & NPCC	30 June 2022	Not applicable at present – Outcome will be monitored for any implementation needed.

Ref	HMICFRS	Owner	Timescale	Progress
	Areas For Improvement			
1	Forces should improve the quality of the protest-related intelligence they provide to the National Police Coordination Centre's Strategic Intelligence and Briefing team. And this team should ensure that its intelligence collection process is fit for purpose.	Chief Constables	Not set	<p>The Force Intelligence Bureau has a designated Single Point of Contact for protest activity and they are in regular communication with the NPoCC SIB and other national assets. The team is fully aware of the intelligence requirements regarding public order. Gloucestershire have little history of aggravating activism. Therefore, the necessity to expand the scope of our current covert policing regarding protest is not considered necessary at this time. We also have a team of Protest Liaison Officers and a protest lead within Operations and Planning who engage with organisers of protests.</p> <p>In light of assessment against this report, it has been identified that the sharing of the resultant intelligence with NPoCC SIB could be improved. This links into the changes being made to the de-briefing practices covered at point six above, which should indicate whether an intelligence return has been submitted.</p>

2	On a national, regional and local basis, the police should develop a stronger rationale for determining the number of commanders, specialist officers and staff needed to police protests.	National & Regional (Chief Constables)	Not set	<p>This outcome will be monitored. At the present time there is no national guidance to determine the number of commanders and trained staff that a force should have to police protests.</p> <p>Currently, the only guidance relates to our Strategic National Policing Requirement (SNPR) in terms of the number of Police Support Units (PSU's) we train. This requires us to maintain a cadre of Gold, Silver, Bronze commanders, as well as tactical advisors and Level 2 trained officers. Although maintained for all public order incidents, and not exclusively for the policing of protests, this structure provides us with sufficient resilience to manage the level of protest experienced within the County.</p> <p>The Inspector in the Operations and Planning Department is tasked with maintaining sufficient capacity and capability in each of these command roles.</p>
3	The police's use of live facial recognition technology is an area for improvement. The National Police Chiefs' Council should continue to work with the Government and other interested parties. These bodies should develop a robust framework that supports forces, allowing the use of live facial recognition in a way that improves police efficiency and effectiveness while addressing public concerns about the use of such technology. The framework should be designed to help the police satisfy the requirements explained in the Court of Appeal judgment: [2020] EWCA Civ 1058.	NPOCC	Not set	<p>This outcome will be monitored. However, it is felt that larger Metropolitan Forces are likely to lead on the use of this technology. Given our limited involvement with Aggravating Activists, the cost of this technology seems disproportionate at this time, and also disproportionate to the scale and tone of protests that we typically experience.</p>
4	The police's protest-related community impact assessments are an area for improvement, particularly those that need to be completed after the event. These assessments should assist the police to understand fully the impact of protests on communities. They should include assessments of the impact of protest on local residents, visitors to an area, businesses, and the critical infrastructure including transport networks and hospitals.	Chief Constables	Not set	<p>Given the nature of protest within our force, a holistic view of the circumstances surrounding the protest is taken when making our threat assessment. Current practices are that these assessments are undertaken with the Local Policing Inspector being a member of the planning meeting, and therefore the use of a formally documented Community Impact Assessment both before and after a protest is something that can be overlooked.</p> <p>In light of assessment against this report, it has been identified that consideration to reviewing our current Community Impact Assessment (CIA) forms and procedures to see if they remain fit for purpose, or whether an update is required.</p>

				Further consideration will be given to adopting a default position that a CIA is undertaken both before and after each protest. As outlined in point six, this should be proportionate to the scale of the protest.
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Ends/.