

SOUTH YORKSHIRE POLICE

TACTICAL PLAN

OP TESTATE

Silver Commander

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Summary of Information and Intelligence

The below information / intelligence relates to protest groups / nominals who are campaigning against the felling of trees / woodland in Sheffield. The campaign is directed towards Sheffield City Council and contractors AMEY.

The specific focal point of the protest groups attention is in relation to the proposed felling of approximately 8 trees on Rustlings Road, Sheffield S11. The exact date for this work to proceed is Thursday 17th November 2016.

This is a long running campaign spearheaded by [REDACTED] of the Sheffield Trees Action Group (STAG).

Originally this work was scheduled to take place in November of 2015, however STAG were successful in obtaining a High Court injunction against SCC, which halted plans to progress the felling of these trees. Between that time and the present, the injunction has been overturned and the SCC Legal team are now satisfied that all reasonable liaison has been made / attempted with residents and protest groups and the trees are in a state of health, which has rendered them unsafe, as such the work will go ahead.

Since the injunction was overturned by the high court, a small group of protestors have taken to attending the depot of AMEY on Olive Grove Road, Sheffield and following work teams to different locations in Sheffield. Once there, the protestors have engaged the AMEY staff and enquired what work is being done, if the work is maintenance based the group leave, however if the work involves a felling the group position themselves at the base of the tree and obstruct the workers, AMEY staff are then forced to withdraw.

Police have attended at these incidents and mixed directions have been given in respect of police powers available, appropriate advice from SYP Legal has now clarified appropriate legislation to deal with these situations.

This operation is a maintenance operation led by Sheffield City Council and their contractor AMEY, this is not a police led operation. However, due to the very reasonable assumption that a protest is likely take place, a positive duty exists not to hinder peaceful protest and whilst there is no information or intelligence to indicate the potential for disorder or violence, core policing responsibilities still exist, predominantly the prevention and detection of crime.

Threat Assessment

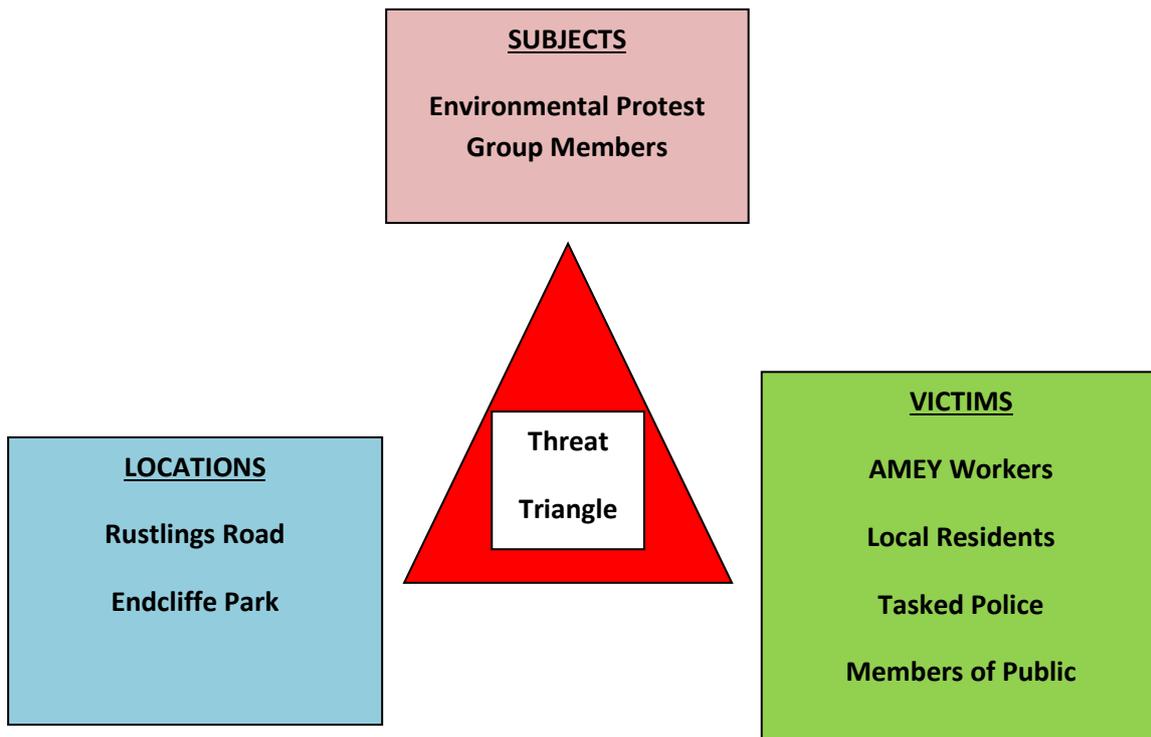
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Identity – Environmental protest group members [REDACTED]

Capability – To prevent lawful work proceeding by passive resistance. No incidents involving threats toward workforce have been reported however the tactic of placing themselves underneath subject trees is enough to hinder the use of work tools by Amey contractors and prevent lawful work proceeding.

Intent – To prevent trees being felled and obstruct / hinder AMEY contractors.

Immediacy – Thursday 17th November 2016



The below multi-dimensional threat and risk assessment reflects the anticipated threat level with NO police present.

	Disorder	Damage	Injury	Violence	Disruption
SUBJECTS					
Environmental Protest Group	L	L	L	L	M/H
VICTIMS					
Council Workers	L	L	L	L	M/H
Residents	L	L	L	L	L/M
Police	L	L	L	L	L
Members of the Public	L	L	L	L	L
LOCATIONS					
Rustlings Road	L	L	L	L	H
Endcliffe Park	L	L	L	L	L/M

Gold Strategy

The overall aim of this operation is to ensure an appropriate policing response to planned maintenance work by the Local Authority in Sheffield on 17th November 2016. The work has already been subjected to planned and sustained protest which has so far prevented the work being effectively and safely carried out..

Our policing response will be conducted in line with our policing responsibilities in a manner compatible with the values and ethics of the Police Service and recognising our duties under ECHR.

To achieve this, the Strategic Objectives for this operation are:

- 1) To support the provision of a safe environment for all involved in or affected by the Local Authority tree-felling operation through the discharge of our core policing responsibilities of:**
 - **The protection of life and property**
 - **The prevention and detection of crime and disorder**
 - **The maintenance of the Queen's Peace**

All agencies involved and responsible for various aspects of this operation need to be cognisant of the risks posed by the combination of factors and the inherent risks involve where large numbers of people congregate for a single purpose. The work to be undertaken whilst lawful has caused emotive reactions with sections of the community and seen active but peaceful protest, which has prevented the Local Authority from undertaking the planned work. Whilst the police are not the lead agency in such events for public safety, the service has a key role to play in supporting other responsible bodies to discharge this function through the maintenance of public order and prevention of crime and to manage the consequences should other agencies not deliver a safe event.

- 2) To provide a lawful and proportionate policing response to any resultant protest, balancing the needs and rights of protestors with those impacted by any protest, recognising adaptive protest guidance**

Articles 10 and 11 ECHR allow for freedom of expression and assembly and are fundamental rights in British Society. Article 11 places both a negative and positive duty on the service which means that steps must not be taken which would prevent, hinder or restrict peaceful assembly except to the extent allowed by ECHR Article 11(2) (The interference has a clear legal basis, and the aim of the interference was national security or public safety, the prevention of disorder or crime, the protection of health or public morals or for the protection of the rights and freedoms of others the interference was necessary) and that in certain circumstances the service is under a duty to take reasonable steps to protect those who want to exercise their rights peacefully. Any interference in this right will be fully documented and communicated to participants and only engaged when absolutely necessary for one of the designated aims. There are a number of differing communities involved in the events and the service needs to take cognisance of Article 14 in relation to ensuring any actions are non- discriminatory and recognise differing needs.

- 3) To work together with Local Authority representatives, contractors and where relevant with protest groups to minimise the likelihood of criminal activity and anti- social behaviour associated with the various aspects of this operation and respond lawfully and proportionately to properly assessed threats and risks necessitating police action.**

All planning and implementation needs to take cognisance of the impact of crime and disorder on public safety. The prevention of crime and disorder is a core responsibility of the police, which can be assisted by design and planning of various aspects of the events which requires close partnership working. A lawful and proportionate response to any outbreaks of crime and antisocial behaviour will support the early intervention policy to avoid escalation of threat and risk and have scope for only limited challenge to legitimacy of Police or partner action by sections of the crowd, thereby supporting the no surprises Policing operation. The role of the police in this event is solely to discharge the core policing requirements and adequate arrangements should be made by the Local Authority to provide a safe working environment for their operators to work.

- 4) To minimise the disruption to the residents and visitors to the city**

Article 1 Protocol 1 stipulates the rights to peaceful enjoyment of one's possessions and the impact of such a large scale event on the city reputation, it's residents, businesses and visitors is potentially significant. Wherever possible the actions and planning for this operation will take cognisance of the normal business of the city and the rights to enjoy property as articulated in Protocol 1. There is a recognition that there will be some compromise likely but this will be minimised as far as practicable and will be mitigated through communication with affected groups.

- 5) To minimise the impact on the local communities of Sheffield, through ensuring sufficient resourcing levels to manage additional risks posed by the events covered by this operation whilst maintaining normal service delivery**

The discharge of the service core responsibilities to the wider public not engaged in or impacted on by this operation still need to be met. This will be recognised in the resourcing levels for the operation and will be intelligence led to reduce the likelihood that further resources will be diverted from the general policing requirement of the city.

- 6) To maximise the safety of all staff deployed on this operation**

The Health and Safety at Work Act poses a duty of care on the employer for its employees. The success of this operation is dependent on the fitness of staff to discharge their duties and the access to any required protective equipment or other equipment necessary for them to discharge these effectively. In addition police officers will be deployed in areas in support of and alongside staff from partner agencies. Wherever possible consultation with partners will be undertaken to determine and define roles and ensure the right resources With the right equipment and training are deployed to deal with each emerging issue.

Command Principles and Protocols:

- A clear statement of Intent will be developed with the Local Authority for the operation. This will define the responsibilities of the lead agency for the public safety/security of the tree-felling operation and the police responsibility for crime and disorder. The tactical plan will reflect this clear demarcation of roles/responsibilities and reflect the principles of least intrusive intervention and the minimum use of force.
- All commanders deployed on this operation will have the correct accreditation to undertake the role and will be supported by suitably qualified tactical advisors.
- All levels of command will utilise the NDM model in both planning and implementation phase of this operation and will ensure an auditable record is kept of their actions.
- Clear definition of areas and spans of commands will be developed by silver for the role of all bronze commanders deployed on this operation and will produce a primary deployment plan which will be subject to testing and approval by Silver prior to the commencement of the operation.

Tactical Parameters:

1. The Local Authority will be responsible for securing a safe working environment and safe protest areas. South Yorkshire Police will respond to any dynamic threat/risk which engage our core policing responsibilities. If at any stage the Police Silver Commander believes this has not been achieved and there is a risk to the public, media or protestors then I would expect the Police Silver Commander liaison with the Local Authority Silver with a view to taking appropriate action which should include the option of ceasing work to remove threat.
2. Protest areas should be identified prior to the event and contingencies identified for foreseeable actions of protestors. During the event capacity levels will be monitored to maximise the safety of protestors. Decisions to implement powers under the POA 1986 or to make arrests will only be made at Silver unless there is an immediate need to act.
3. Media management/lead will be the domain of Local Authority who are the lead for the activity taking place. SYP will provide an appropriate if asked media statement which reflects the police role in discharging our core duties to protect life and property, prevent and detect crime and disorder and to maintain the Queen's Peace.
4. Containment as a tactical option will only be used where the following conditions are met:
 - It is resorted to in good faith
 - It is proportionate to the situation making the measure necessaryAND

It is enforced for no longer than is reasonably necessary.

5. Any escalation to Code 2 or Code 1 dress will only be undertaken on the direction of the silver commander unless to wait for such a direction is impracticable due to the immediacy of the threat.

Policing Style and intervention policy

This operation recognises that the majority of those attending any of the events covered by this operation will be simply seeking to exercise their right to peaceful protest. This will be reflected in the overarching policing style which will be friendly, approachable, supportive and impartial. The preferred modes of dress for officers will therefore be normal code 3 general duty attire.

Early intervention may prevent events escalating and staff are encouraged to engage early with the public to support the overall intention of creating and supporting a safe environment.

However, it is recognised that a small minority may wish to use these events as an excuse to engage in criminal activity, thereby placing others at risk. This strategy does recognise that the silver commander may need access to other policing styles should the circumstances dictate and this will be reflected in the type and numbers of resources available to them to discharge their duties. The NDM will be used to assist in determining any escalation from the general Policing style based on the threat and risk assessment. This assessment will determine the appropriate tactical response and mode of dress for resources deployed. Any escalation in tactics or code of dress will take into account the principles of crowd dynamics and consideration of the likely impact on differing groups documented.

The operation will adopt a 'no surprises' approach throughout the live phase. The requirement to maintain confidentiality to assist in securing a safe working environment contravenes the normal policing approach to such operations in ensuring prior conversations and setting of parameters with protest groups. Having assessed the increased risk of conducting prior negotiations this is not an option in these circumstances. This has the potential to raise tensions between the protest groups and police and Local Authority employees/contractors once protestors become aware of the activity. Staff deployed are to be made aware of this potential conflict and be prepared to deal with this increased friction in a proportionate and impartial manner in line with service values.

Preferred outcomes

- The event takes place in a safe atmosphere and there is no injury to public, local authority workers, protestors or staff.
- The Local Authority is able to undertake its lawful maintenance work
- Any protest is peaceful and the needs and rights of all groups are as far as practicable met.
- No major disruption to the normal life of the city or damage to the reputation of the city or agencies involved in this operation.

Acceptable

- Some compromise to the rights under Articles 9 / 10 / 11 ECHR
- Minor disorder, minor damage to property and disruption to normal business

- Where any significant risk is identified the planned works are curtailed or ceased to reduce threat/risk

Powers and Policy

Code of Ethics

The Code of Ethics sets out principles and standards of behaviour that will promote, reinforce and support the highest standards from everyone who works in policing in England and Wales.

The College of Policing has issued the Code of Ethics as a code of practice under Sec 39A of the Police Act 1996 (as amended by Section 124 of the Anti-Social Behaviour, Crime and Policing Act 2014).

As a code of practice, the legal status of the Code of Ethics:

- Applies to the police forces maintained for the police areas of England and Wales as defined in Sec 1 of the Police Act 1996
- Relates specifically to chief officers in the discharge of their functions

The expectation of the public and the professional body is that EVERY PERSON working in policing will adopt the code of ethics"

The code contains a list of Policing Principles, the overarching theme being 'Doing the right thing in the right way', the 9 principles being –

Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.

The Code then details 10 Standards of Professional Behaviour.

- 1) Honesty and Integrity
- 2) Authority, Respect and Courtesy
- 3) Equality and Diversity
- 4) Use of Force
- 5) Orders and Instructions
- 6) Duties and Responsibilities
- 7) Confidentiality
- 8) Fitness for Work

- 9) Conduct
- 10) Challenging and Reporting Improper Conduct

ECHR section 3

Creates a statutory duty for a Public Authority, so far as is possible, to effect legislation in a way, which is compatible with convention rights.

ECHR section 6

- S.6: It is unlawful in most circumstances for a public authority to act in a way incompatible with a Convention right.
- Act in this section includes failure to act
- Giving effect to this section requires more than simply avoiding violations . Protection may be necessary for people who's rights are being violated by third parties.

Human Rights Articles

ECHR Article 2 – Right to Life

This includes a positive duty to protect life which includes planning the event in order to minimise the risk to all involved . McCann v UK revolves around planning to use the least intrusive methods to achieve set objectives.(PLAN). This article encompasses the safety of the public and of officers and staff deployed at this fixture .

ECHR Article 3 – Prohibition of Torture, Degrading or Inhumane Treatment

Can be engaged by officers using excessive or inappropriate force . There is a direct link with NDM and the police mission statement with regards to the behaviour and demeanour of officers when deployed at PSU operations.

ECHR Article 5 – Right to Liberty and Security

Can be engaged by use of containment and escorts. (See breach of the peace and containment policy). Containment is a valid tactic provided that Police use of containment **as a crowd control measure** will not infringe the right to liberty (ECHR Art. 5) PROVIDED the tactic is:

- i. resorted to in good faith
- ii. proportionate to the situation making the measure necessary AND
- iii. enforced for no longer than is reasonably necessary

Note: Recent rulings suggest that article 5 relates to incarceration rather than being detained for a limited period. The recommendation is that Article 8 may be more relevant re restriction of movement affecting private life. The three points above still apply whichever article is engaged.

ECHR Article 6 - Right to Fair Trial

Any enforcement of police powers during a football event could ultimately result in court procedure. Section 27, Breach of the Peace, Banning orders have all got the potential to go to appeal or Under Article 13 effective remedy (e.g. GMP ruling on section 27). It is incumbent on the police to make sure procedures around evidence collection and investigation are followed to the letter.

ECHR Article 8 – Right to Respect for Private and Family Life

Can be engaged by Overt filming by evidence gatherers and the retention of images post incident (R v Wood). It can also be engaged when using blanket search policies for example section 60 CJ and POA. As mentioned above containment may sit under this article.

- Article 8 does not merely compel the state to abstain from interference (Negative obligation).
- The positive obligation to protect a persons private life .

The principle of personal autonomy manifested in the ability to conduct one's life as one chooses

ECHR Article 9 – Freedom of Thought, Conscience and Religion

Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

Freedom to manifest ones religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

ECHR Article 10 – Freedom of Expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by a public authority and regardless of frontiers. This article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and

are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ECHR Article 11 – Freedom of Assembly and Association

Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights or freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.

ECHR Article 14 – Prohibition of Discrimination

Can be engaged by disproportionately policing one social group in favour of another.

ECHR Article 17 – Prohibition of Abuse of Rights

Nothing in this convention may be interpreted as implying for any state, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the convention.

ECHR Article 1 Protocol 1

People have the right to enjoy their own property and possessions. By not taking cognisance of the disruption issues, businesses and the wider public may be effected.

Legislation

The primary piece of legislation that will be utilised by police should the situation arise where protestors are obstructing the work of AMEY contractors is provided by Sec 241 Trade Union and Labour Relations Act 1992, which says –

An offence is committed by any person who, with a view to compelling any other person to abstain from doing or to do any act which that other person has a legal right to abstain from doing, wrongfully and without legal authority does one of the following –

- *Uses violence to or intimidates such other person or his spouse, civil partner or children or injures his property*
- *Hides any tools, clothes or other property owned or used by such other person or deprives him of or hinders him in the use thereof*
- *Persistently follows such other person about from place to place*

- *Watches or besets the house or other place where such other person resides or works, or carries on business, or happens to be, or the approach to such a house or place*

Best practice In relation to suspected offences under this legislation is to evidence gather the delivery of warnings to desist.

Any offences should still be in accordance with the necessity test detailed under SOCAP.

Breach of the Peace

Primary legislation for containment and prevention of disorder.

Re-defined in R v Howell (1982) QB 416 and the following is the current test which must be applied:

'A breach of the peace is committed whenever **harm is done, or is likely to be done to a person, or, in his presence to his property, or, whenever a person is in fear of being harmed through an assault, affray, riot or other disturbance**'.

Key case = Laporte v Chief Constable of Gloucestershire Constabulary which established the following:

"To be compatible with the Human Rights Act 1998, action can only be taken by the police when they **honestly and reasonably believe** that there is a **real risk of an imminent breach of the peace**, [meaning proximate in time] reasonably close by [meaning proximate in place] and any **action taken must be intended to ensure public safety; to prevent disorder or crime and/or to protect the rights of others and must be necessary and proportionate.**"

KEY QUESTION = Why do you want to impose a restrictions using breach of the peace?

Do you reasonably believe the activity may result in:

- **serious public disorder OR**
- **serious damage to property OR**
- **serious disruption to the life of the community OR**
- **the intimidation of others?**

Redmond-Bate v Director of Public Prosecutions [1999] , was a case heard before the [Queen's Bench Division](#) of the [High Court](#) regarding [freedom of speech](#) and [breach of the peace](#)

On occasion it would seem the tactical solution to a problem is to police the smaller group of people even if they are not the aggressors. Redmond- Bate 1999 ruling found that a police officer who arrested a preacher because her preaching had caused a crowd to gather was

not acting in accordance with the law as it was the behaviour of members of the crowd that constituted disorder offences. A subsequent charge of obstruct PC was also quashed as the constable was not carrying out a lawful action.

Containment Policy

Introduction

Containment is a process whereby police limit access to or egress from an area in order to facilitate a controlled dispersal of those present. Whilst containment enables the police to control the movement of large numbers of people, the decision to use the tactic carries with it a responsibility to balance the need for control against people's basic human rights.

Legal frame work

Containment tactics have come under immense scrutiny whenever they are used. The House of Lords have responded by confirming that the tactic is lawful provided its use is not arbitrary and the following criteria are met:

- i. The tactic is resorted to in good faith;
- ii. The tactic is proportionate to the situation making the measure necessary; and
- iii. The tactic is enforced for no longer than is reasonably necessary.

Generally, action can be taken against a person who is responsible for a breach of the peace; because it is thought either that, they will be violent or they will provoke violence. Only in exceptional circumstances can the police take steps against 'innocent' third parties. The Court of Appeal in the case of *Austin & Saxby v Commissioner of the Police Metropolis* considered this issue:

- The police must ensure that they have taken all other possible steps to ensure that the breach, or imminent breach, is obviated and that the rights of innocent third parties are protected.
- The taking of all other possible steps includes (where practicable), but is not limited to , ensuring that proper and advance preparations have been made to deal with such a breach, since the failure to take such steps will render interference with the rights of innocent third parties unjustified or unjustifiable.
- The police must have a reasonable belief that there are no other means whatsoever whereby a breach or imminent breach of the peace can be obviated.
- This is a test of necessity which it is to be expected can only be justified in truly extreme and exceptional circumstances.
- The action taken must be both reasonable ,necessary and proportionate

Dispersal Powers under section 35 of the Anti-social Behaviour Crime and Policing Act 2014

The new dispersal power replaces those available under section 27 of the Violent Crime Reduction Act 2006 and section 30 of the Antisocial Behaviour Act 2003. The new dispersal power is a more flexible tool available to uniformed police officers and designated PCSOs to deal with individuals engaging in antisocial behaviour, crime and disorder not only when they

have occurred or are occurring, but when they are likely to occur and in any locality. Unlike section 27, alcohol is not a factor.

This is a flexible power which the police can use in a range of situations to disperse antisocial individuals and provide immediate, short-term respite to a local community. The power is preventative as it allows an officer to deal instantly with someone's behaviour and nip the problem in the bud before it escalates. In areas where there are regular problems, the police force should work with the local council to find sustainable long-term solutions. In all instances, the impact on the local community should be considered before using the dispersal power.

The dispersal power can be used by police officers in uniform and Police Community Support Officers (South Yorkshire PCSOs have been authorised). **Use of the dispersal power must be authorised by an officer of at least the rank of inspector before use.** This will ensure that the dispersal power is not used to stop reasonable activities such as busking or other types of street entertainment which are not causing antisocial behaviour. **The authorising officer can sanction use of the power in a specified locality for a period of up to 48 hours or make a decision on a case by case basis.**

The inspector (or above) must record the authorisation in writing, specifying the grounds on which it is given and sign the authorisation. The decision should be based on objective grounds; this may include local knowledge of the area and intelligence that there are likely to be problems at a specific time. The authorising police officer should ensure that the wider impacts on, for example, community relations, are considered properly before use. The written authorisation may be admitted in evidence if the making of the authorisation is in dispute.

It is important that this power is used proportionately and reasonably in a manner compatible with the Human Rights Act 1998. As such, when pre-authorising or authorising an area, the locality should be defined as a specific geographic location, for example by listing the streets to which it applies or the streets which form the boundary of the area rather than stating 'in and around the area of'. The authorisation should not cover an area larger than necessary.

Two conditions need to be met for a direction to be given:

- i. The officer must have reasonable grounds to suspect that the behaviour of the person has contributed, or is likely to contribute, to: members of the public in the locality being harassed, alarmed or distressed; or crime and disorder occurring in the locality.

- ii. The officer considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of anti-social behaviour, crime or disorder.

The test includes behaviour that is likely to cause harassment, alarm or distress, allowing the dispersal to be used as a preventative measure. **The dispersal power is for use in public places**; this includes places to which the public has access by virtue of express or implied permission, for example, a shopping centre.

To exercise the power, to disperse somebody, the officer must record to whom the order is directed, where and when the order was made, for what area and for what period (similar to as was the case with section 27). Carbonated pads have been produced for this purpose.

The police officer or PCSO can require the person given the direction to hand over items causing or likely to cause anti-social behaviour (Sec 37). This could be any item but typical examples are alcohol, fireworks or spray paint.

The officer **does not have the power to seize** the item; therefore the person's consent is required to take the item. However, it is an offence for the person not to hand over the item if asked to do so (Sec 39).

Public Order Act 1986

Primarily offences under Sections 2 – 5.

Criminal Justice Act Public Order and 1994 Section 60

Section 60 of the Criminal Justice and Public Order Act 1994 allows senior police officers to authorise constables to stop and search persons in a specific area, either where a serious public order problem is likely to arise or has taken place, or for offensive weapons or dangerous instruments. Failing to submit to a search is an offence. Article 8 may be an issue re indiscriminate searching . Article 14 may be an issue regarding disproportionate searching of one social group . This power will assist Article 2 obligations to protect life if the intelligence and information supports its application.

60AA

Face Coverings

Section 60AA of the Criminal Justice and Public Order Act 1994 provides powers to require the removal of disguises at public order events where a section 60 authorisation is in force or an authorisation is given under this section. There is no power to remove coverings using force. An arrest can be made if the subject refuses to remove and hand over the item. Face Paint is not included in this power as it is not a separate tangible item .

Consideration must be given to the effect of this kind of intervention by police (Elaborated Social Identity Model). It requires a full NDM review to establish **Necessity** and **Proportionality** .

A Sec 60AA authorisation can be made by an officer of **Inspector** rank and above.

Sec 137 Highways Act 1980 – Wilful Obstruction of the Highway

An offence is committed if a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway.

Notes – In the case of Hirst and Agu v CC of West Yorkshire Police 1986 the court held that proof of the offence of wilful obstruction of the highway should be considered in 3 stages –

- 1) Is there an obstruction? Any stopping or slowing of traffic on the highway (more than a trivial hold up) is an obstruction (traffic could be vehicular, animal or pedestrian in the context)*
- 2) Is the obstruction ‘wilful’ or ‘deliberate’ (as opposed to accidental). The activity in which the person is engaged must cause an obstruction, but there is not requirement to show there was an intent to cause an obstruction.*
- 3) Is the wilful obstruction without lawful excuse? Lawful excuse may be by way of express permission, such as the licensing of charity collections or the observance of directions from a traffic police. However, any lawful activity carried out in a reasonable manner may amount to lawful excuse. The concept of implied lawful excuse may be relevant to political demonstrators provided their protests are reasonably limited in space and time, mere transitory inconvenience to traffic (including pedestrians) may not amount to an offence.*

Regulations 3 and 4 of the *Removal & Disposal of Vehicles Regulations 1986*

3.— Power of constable to require removal of vehicles from roads or other land

(1) Except as provided by regulation 7 of these Regulations, this regulation applies to a vehicle which—

(a) has broken down, or been permitted to remain at rest, on a road [or other land] ² in such a position or in such condition or in such circumstances as to cause obstruction to persons using the road [or land concerned] ² or as to be likely to cause danger to such persons, or

(b) has been permitted to remain at rest or has broken down and remained at rest on a road [or other land] ² in contravention of a prohibition or restriction contained in, or having effect under, any of the enactments mentioned in Schedule 1 to these Regulations.

(2) A constable may require the owner, driver or other person in control or in charge of any vehicle to which this regulation applies to move or cause to be moved the vehicle and any such requirement may include a requirement that the vehicle shall be moved [to another place which may be a road or other land; or that the vehicle shall not be moved to any such road or other land as may be specified.] ²

(3) A person required to move or cause to be moved a vehicle under this regulation shall comply with such requirement as soon as practicable.

Reference to Schedule 1 of the Regulations; the list of enactments includes Section 14 of the Road Traffic Regulation Act 1984 Act which is the power used to make a TTRO.

4. Power of constable to remove vehicles

Except as provided by regulation 7 of these Regulations, where a vehicle—

(a) is a vehicle to which regulation 3 of these Regulations applies, or

(b) having broken down on a road or other land, appears to a constable to have been abandoned without lawful authority, or

(c) has been permitted to remain at rest on a road or other land in such a position or in such condition or in such circumstances as to appear to a constable to have been abandoned without lawful authority,

then, subject to the provisions of sections 99 and 100 of the 1984 Act, a constable may remove or arrange for the removal of the vehicle.

Section 241 Trade Union Labour Relations Act 1981

Any person who with a view to compelling a person to abstain from doing any act which the person has a legal right to do

OR

To do any act which the person has a legal right to abstain from doing Wrongfully and without legal authority

Uses violence / intimidation towards the person, their spouse or civil partner or children or injures their property

OR

Persistently follows that person

OR

Hides tools, clothes or other property owned or used by that person **OR deprives / hinders the use of them**

OR

Watches / besets a home, place of business, any place where he is or the approach thereto

OR

Follows (with 2 or more others) through the streets in a disorderly manner

Commits an offence.

Use Of Force Powers

Section 3 Criminal Law Act

Section 3 of the Criminal Law Act 1967 sets out when reasonable force can be used by any person when making an arrest.

3(1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

3(2) Subsection (1) above shall replace the rules of common law on the question when force used for a purpose mentioned in the subsection is justified by that purpose.

PACE 117

Use Of Force in execution of police duties under PACE

Common law

Self Defence , defence of others and includes pre emptive strike.

Section 76 Criminal Justice and Immigration Act 2008

Section 76 makes the principles covered in common law by case law examples statute Law.

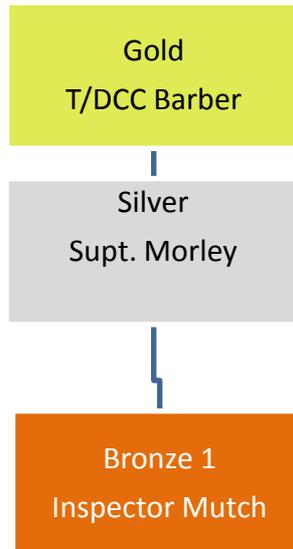
Section 76 also outlines the principle of 'honest held belief in the circumstances'.

Tactical Options

Planning Parameters set by Silver

Initial plan should centre around Engagement but with the ability to respond to threats of disorder with early intervention using appropriate legislation and tactics. Any plans should be based on detailed multidimensional threat assessments using the National Decision Making Model.

Command Structure



Bronze Roles and Parameters

B1 - Command and control of officers on the ground should a deployment be required.

Lines of Communication and Command Protocols

TG61 – Utilised by all officers engaged in this operation.

Where practicable, communications through serial Sergeant to Silver.

PLT staff can be deployed and directed by Bronze 1.

Silver Commander

Name

Signature Date

Gold Commander

Name

Signature Date

