

QUESTIONS TO THE PCC – SHEFFIELD TREES PROTEST

April 2019

Question from Cllr Stuart Sansome, Vice-Chair – SY PCP / Rotherham MBC

February 2019

NB: Raised at a Rotherham Full Council meeting by another Cllr

How much of the budget was used to cover the Sheffield Tree Protests?

Response from the Office of the Police and Crime Commissioner

The cost of SYP policing the Tree Protests was £111,739.

The Police set as a strategic objective endeavouring to achieve a balance between the rights of energy companies and those wishing to protest for, and against, this activity, whilst also taking cognisance of the rights of the local businesses and communities to go about their lawful business.

Below is some information which you may find useful in relation to the role of the police in relation to policing protests.

The role of South Yorkshire Police when considering the local authorities highway maintenance programme, reflects that taken for other protest and disagreements seen previously across the county. It is one of remaining independent, impartial and balancing the rights of all parties involved.

Our core duties are always to protect life and property, the prevention and detection of crime and to maintain the Queen's peace. We are committed to working with the local authority and community to ensure the work and any associated protest takes place in a safe atmosphere without injury to the public, local authority workers, contracted operators, protesters and police on site. We will be providing a safe environment, free from crime and disorder, which allows the local authority to undertake its lawful work while balancing right to peaceful protest.

Is the Council's tree cutting work lawful?

Mr Justice Males considered this question when considering whether the Injunction should be granted. He declared Sheffield City Council's tree operation is lawfully being carried out under Section 41 of the Highways Act 1980.

Sheffield City Council's responsibility

SCC's core responsibilities are to decide why, how and where this maintenance work takes place. South Yorkshire Police has no role in defining or protecting the maintenance work. Our role is to maintain the Queen's peace, and provide a safe environment.

Peaceful Protest

Peaceful protest is lawful and an essential part of a democracy. The 'right to peaceful protest' comes from the European Convention of Human Rights - Article 10, the right to freedom of expression, and Article 11, the right to peaceful assembly. These rights are qualified rights, which means that South Yorkshire Police can, if necessary, legitimately impose restrictions in the interests of public safety, preventing crime and disorder and / or acting for the protection of the rights of others. Such as preventing protestors from obstructing a highway or preventing other lawful activity.

In fulfilling this core role, SYP remains independent from Sheffield City Council, Amey Plc and the views and feelings expressed across our communities.

Is preventing the council's tree operation covered by the right to protest?

No. There are limits to Article 10 and 11 rights (which create the right to peaceful protest). In these circumstances, preventing the council's lawful activity is beyond the right to peaceful protest. Mr Justice Males found that wilful obstruction of the work would be unlawful (and an offence under s.303 of the Highways Act 1980).

What action can be taken by police?

If police officers reasonably suspect a person is committing an offence under s.303 of the Highways Act, or any other offence, then action will be taken, including the use of legitimate reasonable force under Section 3 of the Criminal Law Act 1967. The police officer will ask for that person's details and 'report them on summons' (this means they are warned they may be prosecuted for this offence in the future). If that person's details cannot be ascertained or there is a risk of injury, damage to property, obstruction of a highway etc. or a breach of the peace, then it may be necessary to arrest that person.

Where other crime and disorder is encountered from any parties, it will be dealt with as necessary and proportionate to the circumstances.

What action can be taken by others?

Section 3 of the Criminal Law Act 1967 permits any person to use reasonable force to prevent a crime occurring (and other reasons).

In these circumstances, this section permits the council's security team to use reasonable force to stop an individual from committing an offence under s.303 of the Highways Act 1980 (wilful obstruction of the work). The security team have removed protestors from the safety zone around trees (where the security team believe the protestors were wilfully obstructing work and committed a s.303 offence).

Police have been present at the scene on many of these occasions and protest liaison officers have spoken with protestors, explained the situation and the consequences and persuaded protestors to leave the safety area before force is used.

We understand the security team use a process called the five-step appeal (essentially, asking protestors to leave and explaining what will happen if they do not) before any force is used.

We understand Sheffield City Council may also bring a civil claim against anyone they believe had breached the injunction.

What if excess force is used by the security team?

Section 3 of the Criminal Law Act 1967 permits the use of 'reasonable force'. Whether force is reasonable depends on the particular circumstances. If excessive force is used, then it is likely that a criminal assault has occurred and police will take action accordingly.

Proportionate response

Our wish for the tree operation and associated protests is for everyone to conduct themselves lawfully and respect each other's rights, leaving us without an obligation to be present or respond. We will always seek to communicate through our protest liaison officers on the ground in the first instance; however, we will not tolerate criminal or disorderly behaviour. We will take action where criminality occurs.

Why are so many officers involved?

We will never confirm the number of officers involved in an operation while it is ongoing, however in line with our graduated resourcing, the number of officers will reflect the potential for crime and disorder and be sufficient to fulfil our obligation to provide a safe environment for all involved.

Reporting a crime

We review and investigate all reports of crime without favour, offering the same impartial service to all complainants. We will always seek to gather all available evidence, edited social media clips will never be the single evidential reference point. If you believe a crime has occurred, please call 101, attend your local police station or – if available - speak to the designated officer at the scene.

Making a complaint

Should you wish to make a complaint about South Yorkshire Police, full details on how you can do this are available on our website here <http://www.southyorkshire.police.uk/compliment-complaint>. Alternatively, you can call the force on **101**.
