

**POLICING PROTESTS IN  
ROTHERHAM:**

**TOWARDS A NEW APPROACH**

**The report of a Review conducted by:  
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## 1. Introduction

1.1 Operation Time was the policing operation to handle a Britain First '(BF)' protest march on 5 September 2015, and the counter-events which occurred on the same day.

1.2 All Chief Constables must make arrangements to engage with local people. Police and Crime Commissioners (PCCs) have a duty to hold Chief Constables to account for that and other functions.

1.3 The PCC for South Yorkshire, Dr Alan Billings, has set three priorities for South Yorkshire's Police and Crime Plan:

- Protecting vulnerable people
- Tackling crime and anti-social behaviour
- Enabling fair treatment

1.4 Dr Billings announced on 13 November 2015:

*"I have asked the Chair of the Independent Ethics Panel, in consultation with representatives of Rotherham communities and my Independent Advisory Panel for Minority Communities, to consider the force's engagement with communities in Rotherham before, during, and after Operation Time on 5th September 2015, and where appropriate suggest options to me as soon as possible for improving community engagement in the future, particularly with regard to protests."*

All three of the PCC's priorities are engaged by this Review.

1.5 These were our Terms of Reference (ToR). This was explicitly not a 'scrutiny', and we were not asked to analyse the events of the day in detail, nor to investigate what occurred on previous protests; only to consider engagement of South Yorkshire Police (SYP) with communities in Rotherham in the context of

5 September. Because of the limitations of our ToR, we have not consulted with groups having their base outside Rotherham.

- 1.6 The context of this Review was a heightened level of concern within the Muslim community in Rotherham, which then intensified as a result of the events which took place around 5 September. We shall set out below our understanding of the reasons for this. There is no doubt however that the immediate trigger for the PCC's commissioning of this Review was the issue of a statement by British Muslim Youth (BMJ) on 26 October 2015 in which this group announced that it had ... *"voted for all Muslim organisations (whether religious or secular) which claim to represent Muslims in Rotherham, to cut off all lines of engagement and communication with SYP. This policy will be in effect until and unless SYP can treat our community with respect and fairness, just as we have done with the police force going back over many decades."*

BMJ subsequently issued a second statement in which it modified its stance.

## **2. The background to the protests**

- 2.1 Since October 2012, SYP has policed 20 protests within the county. 14 of these have been in Rotherham. The most recent was that on 5 September 2015. Virtually all have been organised by far-right groups.
- 2.2 The choice of location is not an accident. As is well-known, the police and local authority in Rotherham stand accused of failing to protect hundreds of children and young people from sexual exploitation. (This report will use the current abbreviated term of 'CSE'). The conclusions of reports by Professor Alexis Jay in 2014 and Louise Casey CB in 2015 have not been seriously challenged. On 24 February 2016, six people were convicted of offences arising out of CSE. Further trials are expected.

- 2.3 Significantly, the police report that most far right protestors are brought in from elsewhere; they are not local.
- 2.4 SYP has used public order powers to impose conditions on the assembly points, and on routes for protesters on a number of occasions. The purpose has been to contain the threat of disorder. The pattern has been that once a protest assembly and march have been announced, locally-based opposing groups have organised a counter-activity. Enabling the groups to carry out their separate activities safely and within the law, is the policing objective.
- 2.5 11 of the 14 protests in Rotherham have taken place since the publication of Professor Jay's report in August 2014, in which she estimated that there had been 1400 victims of CSE between 1997 and 2013. The impartial observer might be surprised that protesters are focussed on the same theme now as in August 2014, when a far right protest extending over some days was organised a few days after the Jay report was published. The theme remains '*Justice for the 1400*'.
- 2.6 This Review does not deal with the performance of either SYP or Rotherham Council in relation to the investigation of CSE, or the protection of children. Louise Casey's report covered the Council's performance in this regard, and Professor John Drew is currently leading a review of SYP's approach. But it is nevertheless worth recording that there have been important developments in the last 18 months, and many measures have been taken both to remedy the past failings of the authorities and to prevent any recurrence. The highlights include:
- 62 additional police officers and civilian staff deployed on CSE inquiries, with 155 live investigations
  - 54 suspects charged
  - Specialist training for SYP
  - Multi-Agency Safeguarding Hubs throughout South Yorkshire
  - Police misconduct investigations by the IPCC.

Furthermore, Her Majesty's Inspectorate of Constabulary carried out a national Vulnerability inspection, and reported in December 2015 that SYP has a 'very good understanding' of CSE and that 'prospects are good' due both to new ways of working and dedicated policing teams being established to tackle the issue in the county.

- 2.7 The limits on police powers to control marches are poorly understood by the public. A short summary of the current law is set out at *Appendix 1*. The expression of extreme views which most people consider to be offensive is not of itself sufficient in law to prohibit a march, although of course the actions of participants must remain within the law.
- 2.8 The police face a dilemma in these situations. Members of the public rightly expect the police to protect them and their businesses from threats to their safety, well-being and prosperity, but the police also have a duty to uphold the right to protest which the law of this country affords. There are few ethical dilemmas in policing which are as sharp as this.
- 2.9 The protests of recent years have levied a considerable cost - on traders, on relations in the wider community of Rotherham, and on the police (paid for out of public funds). It is to these costs (understood in more than financial terms) that we now turn.

### **3. The cost to business**

- 3.1 Pragmatic decisions about assembly points and routes cannot avoid the consequences for trade which accompany town centre protests. As the law stands, the right to protest can be pursued on a repeated basis despite evidence that it is damaging still further the financial well-being of a town which has suffered substantial economic disadvantage in recent years.

- 3.2 Town centre retailers have repeatedly raised with Rotherham Council the detrimental effect of protests on business. The Council says that there are varying estimates of the reduction in footfall on march days; one estimate is that the decline exceeds 30%. There is also some suggestion that a more general reduction in footfall has not been restricted to march days. It appears that fear of disturbances and of personal abuse are the reasons for this.
- 3.3. It was also reported to us from within the Muslim community that Muslim businesses across Rotherham have closed and/or relocated in the face of anti-Muslim feeling. We have not been able to establish the numbers involved, because – perhaps unsurprisingly - no separate figures are kept for Muslim businesses. However, if Muslim businesses have suffered in this way, it would not be surprising.
- 3.4 The effect on economic activity of the deterioration in the public image of Rotherham, though widely acknowledged, cannot precisely be quantified, but there is no reason to doubt the estimated figures set out above. It is of particular concern that the impact on trade appears to be felt more generally than on march days.
- 3.5 We also heard numerous tales of residents reluctant to admit that they live in Rotherham, and have personally observed this. The self-confidence of all communities in the town cannot but be undermined by the level of sustained negative publicity during the last few years.

#### **4. The cost to community relations**

- 4.1 The expressed anti-Muslim and anti-Islam views of far right groups – some shocking content is shown on their websites and in the material handed out during protest marches - present a clear risk to community relations in the areas where they are active. Rotherham is no exception to this, and Muslims in particular have felt threatened. In addition, banners and slogans which use

swear words for Allah and the prophet Muhammad are deliberately provocative and aim to enrage Muslims.

- 4.2 It is worth re-stating why this is unacceptable. What the far right groups do is to portray all Muslims as guilty of the perceived crimes of a small section of that community. This is scapegoating and it has a bloody history in twentieth century Europe. The reality is that Rotherham Muslims, led by the Council of Mosques, have publicly condemned those who have committed these crimes. It is worth recalling that it has been reported that among the victims of CSE were some Muslim girls. Two women convicted on 24 February are of white British heritage.
- 4.3 It is also worth calling to mind the broader context. The encouragement of community cohesion is Government policy. Isolated communities who feel unsupported by the authorities are potential breeding-grounds for extremism. The evidence is that isolated young Muslims become easy targets of groomers who may lead them to become involved in terrorism.
- 4.4 At street level, attacks – verbal and physical - on individuals, both male and female, are believed to have increased. Anecdotally, Muslim communities are reporting that women are being particularly targeted in these hate incidents. Many citizens of Pakistani heritage report being called ‘paedos’ ‘groomers’ or ‘scum’ in the street. Taxi-drivers in particular have felt themselves targeted, including in one incident in the summer of 2015 where a group of BF supporters approached taxi-drivers at a rank in the centre of the town with random accusations of CSE.
- 4.5. Mosques have also been damaged, and daubed with racist graffiti, which are then sometimes displayed on far right websites. Encouragingly, support has been offered to mosques by local churches, and during November 2015, the Bishop of Sheffield paid a visit to a prominent mosque in Rotherham to show solidarity.

- 4.5 Figures are available for the number of 'hate crimes' reported to the police in the borough of Rotherham. Historically statistics have not been kept separately for hate-crimes against Muslims, although they have for anti-Semitic attacks. On 13 October 2015, the Prime Minister announced that police forces will now record anti-Muslim hate crime as a specific category. We welcome this. However, according to the organisation Tell MAMA, which records anti-Muslim hate crimes of which it is aware, 27 attacks in Rotherham were reported to them in the 12 months to September 2015.
- 4.6. A number of steps have been taken in Rotherham in recent years in relation to hate crime. SYP and the Council both belong to the Safer Rotherham Partnership which has long-standing arrangements to monitor and report hate crime incidents. Two examples of targeted initiatives:
- 1) Work has been undertaken to increase public awareness and to train workers and volunteers, including (through the Rotherham Ethnic Minority Alliance) developing minority ethnic women as champions and advocates in this field. An Asian women's organisation called Apna Haq ('Our Rights') is working in the area.
  - 2) SYP has established an independent Hate Crime Scrutiny Panel which provides challenge to police and its partner agencies on issues relating to hate crime.
- 4.7 Against this background of activity, and the widespread belief that incidents of hate-crime are growing in number, it is perhaps surprising that the only official statistics available for the reporting of hate-incidents in the 'racial' category in Rotherham show a decline in 2014 and 2015 from a high in 2013. We have seen two theories advanced for this decline, neither of which gives cause for optimism. The first suggestion is that the decline shows a decreasing level of confidence in making reports to the police; the second is that minority communities are showing an increased level of tolerance of low level hate incidents. In other words, hate incidents are becoming seen as 'normal'.



- 4.8 This second theory appears inconsistent with an observation made to us by both police and community representatives - that in advance of the BF march on 5 September, there was a step change in the attitude of some Muslims in Rotherham. Prior to that, most local people had held back when the far right came to march, perhaps to avoid being seen as defending the perceived perpetrators of CSE. The police encouraged this non-involved approach, understandably, because activism would make policing the march more difficult.
- 4.9 However, emotions were heightened, and fears exacerbated, following a vicious attack on an elderly gentleman, Mr Muhsin Ahmed, on his way to early morning prayers (*fajar salat*) at a Rotherham mosque on 10 August. He died in hospital 11 days later. As a result of the murder, other violent incidents and incidents of low-level racial abuse, many Muslims became increasingly worried and leading members of BMY decided to 'mobilise' in support of a counter-protest on 5 September.
- 4.10 The police acknowledge that the scale of this change in mood was not immediately detected.

## **5. The cost of policing**

- 5.1 The cost of policing these protests has now reached about £4m, largely in payments to other forces for assistance. This is not a dry financial point. This cost is paid out of funds which SYP can ill afford in a time of financial austerity. Those funds become unavailable for policing activities elsewhere in the county. The total cost of policing the protests is actually much higher, if the diversion of officers from policing elsewhere in the county on the day is taken into account, not to mention the loss of rest days, which then have to be rostered in at a future date. Thus the number of officers and staff available for policing generally is reduced not only on protest days, but also subsequently.

## 6. **A summary of the events on 5 September.**

- 6.1 All the protest events have been different from each other. 5 September was different from its predecessors in many ways. One of these was that the numbers of those involved was greater. Estimates of those marching under the banners of BF vary but they were in the region of 300. The number of those gathered for counter-events were of the same order.
- 6.2 The reaction of local people to the planned march was also more intense. On previous occasions, small numbers of local people have gathered around 'unity vigils', and the group Unite Against Fascism ('UAF') has also had a presence. On this occasion, a vigil had been organised as a mark of respect for the late Mr Muhsin Ahmed.
- 6.3 On 1 September, UAF held a meeting to make plans for 5 September. This was also attended by a number of young Muslim men, described to us as 'very angry', and by Mr Liam Harron, a retired headteacher and local community activist who had initiated the unity vigils. The outcome of that meeting, we were told, was to hold a 'flash protest' outside Rotherham police station on the following day, 2 September.
- 6.4 When that duly took place, the police invited some of those protesting inside the station for a meeting, which, from the accounts we were given, was highly charged on both sides. At that stage, the senior police representative present affirmed his Gold Commander's previous decision that on 5 September, both 'sides' would be kept away from All Saints Square ('ASS'), a large and attractive paved area adjacent to Rotherham Minster, which is generally regarded as the centre of the town.

- 6.5 Although that meeting broke up without full agreement, the Local Policing Commander, Chief Supt Jason Harwin, held a further meeting with community representatives on the following day, 3 September.

Shortly after that meeting ended, a message was passed to community representatives that the Gold Commander had revised his previous decision, and local people would after all be allowed to gather in All Saints Square. BF would be kept to a route which, although it would at one stage be within the eyeline of those in All Saints Square, would not penetrate the Square.

- 6.6 The Gold Commander, Chief Supt Robert Odell, explained his decision-making in these terms:

*“I would say with my experience that this [i.e route all protests away from the town centre] is what we tried to do on this occasion, but it ultimately failed due to the significant adverse reaction from both groups but particularly the local protest groups who demanded with some feeling that they should be able to use their town centre. At the time and in discussion with my tactical staff we looked at trying to enforce this, and we came to a figure of police resources that was just gargantuan. Hence my choice based on pragmatic and tactical reasons but still facilitating peaceful protest to separate the groups out but having to use the central area for the majority local groups.”*

- 6.7 BF reacted with some force to its exclusion from ASS, and signalled its intent to follow its preferred route to All Saints Square, ‘or die trying’. However, on the day, those marching under its banners were compliant with the conditions imposed under the Public Order Act by the Gold Commander as to its assembly point and the route of its march. The conditions allowed the marchers a route through the town centre and permitted speeches on the steps of the Town Hall, before returning them to their assembly point for dispersal.

- 6.8 The counter-protestors comprised broadly 3 or 4 separate groupings – those involved in the community vigil, UAF, BMY and non-aligned people - though the lines are blurred. What is striking however, is that among the predominantly

local crowd were numbers of older Muslims. We believe that this was a consequence of heightened anxiety about the attacks to which we have drawn attention. This was not a demonstration solely by younger people. By agreement, Mr Harron acted as a conduit for contact between the police and the counter-protestors.

- 6.9. At the point at which the BF marchers were within the eyeline of those in All Saints Square, there was a 'rush' of some counter-protestors towards them. We have been told that this involved only a limited number of those in All Saints Square, and they were contained as quickly as possible by police. Subsequently, police were accused of 'kettling' those involved, although we understand that the containment was for about 7 minutes. Some have accused the police of brutality, but Mr Harron says this is 'wide of the mark'.
- 6.10. After this incident, and with the BF marchers by now on their way back to their assembly point, the counter-protestors were allowed to proceed to the Town Hall, symbolically (as it was put to us) to 'cleanse' it of BF. There had already been speeches in All Saints Square, and after some further public statements, the counter-protestors were encouraged to disperse in a direction decided by police. It was during this period of dispersal, that a disturbance took place outside the William Fry Public House on Wellgate, which subsequently led to the charging of about 20 individuals. Those events are *sub judice*. It appears from our conversations with police officers and others, that policing resources had not been made available for that location. We understand that the intention was to return policing levels to normality as quickly as possible.
- 6.11 We also understand that senior officers accept that, in the event of future protests, a different view might be taken about the policing of the small number of licensed premises in Rotherham with reputations for disorder and for far right associations, and we certainly urge that on SYP. Furthermore, the narrow streets and paths behind Rotherham Town Hall and linking to Wellgate, present particular challenges for policing, in the context of threats to public order.

6.12 The Local Authority is also active in preparation and monitoring of protest activity. Its Gold Lead on the day was Karl Battersby (a Director level officer who has subsequently moved elsewhere). He accompanied the police Gold Commander, based – like Silver Command – in Sheffield, monitoring events with live camera feeds (though not from town centre CCTV, which was surprisingly not working on the day). No local authority officers were on the ground with police; the Local Authority has a broader safety and security role, providing information to businesses which might be affected, doing a sweep of sites to remove any objects which might be used as missiles, putting up barriers, and planning for contingencies such as boarding up premises.

## 7. **After 5 September**

7.1 There is a process of ‘structured debrief’ after a protest, in which both the local authority and the police take part.

7.2 There has been criticism of SYP for allowing BF to march along the particular designated route which was imposed as a condition under the Public Order Act. Mr Harron, for example, suggested that an alternative route along the canal near the centre of Rotherham, could have been used. Mr Battersby told us that another route could have been imposed to cause minimum disruption.

7.3 The Leader of the Council has started an online petition against ‘repeated extremist protests’ headed ‘Enough is Enough’. It has been signed by many leaders of both statutory and voluntary bodies, as well as all the borough’s MPs, business and religious leaders and the senior police commander. The petition is directed to central Government, and asks for a fresh look at current legislation in relation to protest activity.

Mary Ney, one of the commissioners installed in Rotherham by central government after Louise Casey’s report, has engaged in extended correspondence with Home Office ministers on the same subject during 2015. Senior SYP officers have also engaged with Home Office officials about the

circumstances in which marches can be prohibited, while specific proposals for a change in the law were also submitted to the Home Office in November 2015 by the Independent Policing Ethics Panel of which we are members. It should also be recorded that prior to 5 September, Mr Harron had organised a petition – signed by many hundreds of people - calling on BF to show respect and consideration for the people of Rotherham.

- 7.4 Later in September, a public meeting was held at a community centre in Rotherham, attended by more than 40 people. Both Chief Superintendents – and other officers - attended and outlined what SYP had intended to achieve on 5 September. Speeches critical of the police actions on 5 September were made by (among others) representatives of BYM and UAF. The areas of criticism included alleged ‘kettling’, use of force, the incidents outside the William Fry PH, and the police’s failure to stop the BF march altogether. Police present noted the strength of feeling when the discussion was opened to the floor, particularly in regard to Islamophobia in Rotherham.
- 7.4 On 22 November, Rotherham’s MP, Sarah Champion, convened what was described as a ‘hate crime summit’. This reflected the great concern in the town about Islamophobia – a concern reflected in all communities. Following that event, Chief Supt Harwin set out a list of priorities to guide police action on hate crime.
- 7.5 In addition, there are many ongoing contacts between police and the Muslim community in Rotherham, mostly unpublicised. Issues involving the statutory services are pulled together in a Gold group under Chief Supt Harwin.
- 7.6 Also largely unpublicised has been a series of initiatives by faith groups. Bearing in mind the link between faith and community engagement, these are of importance. Canon David Bliss, who is the most senior Church of England cleric in Rotherham, and whose church is the Minster in All Saints Square, described to us a range of measures which Christian and Muslim leaders have started to put in place jointly. Invitations are given to share in events and these

have included joint appearances on formal occasions such as Armed Forces Day, and the Council's annual civic service, joint visits to schools to emphasise the similarities between, and common origins of, Christianity and Islam, the establishment of a multi-faith chaplaincy at Thomas Rotherham College, and social events at congregational level. In addition, on 23 December 2015 a group of Muslim faith leaders held a community event where gifts, sweets and balloons were distributed among local children in front of the Minster.

Furthermore, in October 2015, a conference was organised by the local Roman Catholic diocese to explore with representatives of the Muslim community 'the spiritual bonds which unite Christians and Muslims'. While at the time of the Jay Report it was evident that Rotherham lagged behind other South Yorkshire boroughs in inter-faith activities, 'faith leaders have started to think differently' Canon Bliss told us. They now meet every other month in a newly-formed leaders' council. These initiatives need to be better known in our view, as they are significant evidence of the promotion of community cohesion against those who would foster division.

## **8. Conclusions and Recommendations**

- 8.1 We have no doubt that SYP is committed to community engagement with the citizens of Rotherham. The willingness to discuss criticisms of its handling of events on 5 September is evidence of that, but there is also ongoing liaison. Not all of SYP's efforts are known, or appreciated. There have clearly been misunderstandings, and some perceived grievances have festered. Some steps were taken before 5 September and on the day itself which SYP senior officers might now – with the benefit of hindsight – do differently. We commend the preparedness of senior officers to reflect on lessons learnt.
- 8.2 The fact that the day passed off without serious injury to the public or the police is evidence of the success of police efforts to ensure public safety, and it is to the credit of the Gold Commander that he was willing to revise the key decision on the use of ASS in the light of community views.

- 8.3 Nevertheless, there does appear to have been a failure (perhaps due to poor intelligence from those on the ground, or to a lack of coordination of reports from neighbourhoods) to appreciate the scale of the change in mood of the local Muslim community in advance of 5 September. Police did not appear to anticipate until late on, that the numbers who would turn out to oppose BF would be both greater than on previous occasions of far right marches, and from a much wider cross-section of the community. No doubt there are lessons being learnt from this; our view is that because SYP already recognises the great importance of community engagement, the focus should be on developing new channels for listening to the mood of local communities.
- 8.4 We have described some of the contributions being made by community leaders, faith leaders, and local political leaders to the strengthening of community cohesion. In the time available we were not able to present a complete picture (this would have been outside our ToR in any event) but it is evident that the relevant public and voluntary bodies are focussing both on the damage suffered by Rotherham as a community as a result of the far-right marches, and on the re-building of the town's reputation and prosperity. The months since 5 September have offered a breathing-space – in which the town's leaders have pulled together - but the expectation is that 2016 will see further far-right protests in the town as the 'marching season' begins again.
- 8.5 Unless there is a new initiative, SYP will face the same dilemma as to routes etc on future occasions of far right protest. The risk is, therefore, that the pattern of damage to community relations and to trade will repeat itself.
- 8.6 Society expects its police to protect freedom of speech, but it also expects the police to keep order and 'The Queen's Peace'. The balancing of competing interests is subtle and difficult, and SYP has tried to maintain that balance in challenging circumstances.



- 8.7 SYP makes policing decisions on behalf of all the people of Rotherham, taking into account considerations of public safety and the interests of businesses. It needs community support in making those decisions.
- 8.8 To give this effect, we propose that the PCC should establish an Advisory Panel for Protests. This should be chaired by a well-respected individual from outside Rotherham and its membership should include senior figures from local business, faith groups and the local authority, with its secretariat provided by the office of the PCC. We recommend that the number of members of the Panel should not exceed six. Unlike the Parades Commission of Northern Ireland ('PCNI'), such a panel would have no statutory powers, and, for example, could not itself impose or prohibit marching routes. But we readily acknowledge the contribution made to our thinking by the success of the PCNI, and the input obtained from a past chair, Sir Anthony Holland.
- 8.9 We envisage that the Panel would be a standing group, which should be set up as soon as possible – and certainly before the 2016 'marching season' begins. It should remain in existence for as long as the town is targeted by far right protestors. Early meetings should offer an opportunity to members to familiarize themselves with the issues and sources of information and should then tease out a preferred approach (eg on routes and possible conditions) as general principles. We recommend that the preferred approach should only be settled following consultation with community interests, and advice from the police on potential public order risks.
- 8.10 As soon as the police become aware that a protest event is being organised, the Panel should have a prompt meeting. Speed is of the essence. We envisage that the police will present proposals for handling the protest, and that the Panel will then comment. Ultimately, decisions on operational matters are of course for the police to make and be accountable for. The Panel will need to respect the operational independence of the Chief Constable at all times. However, the aim will be that police decisions are made with the benefit of advice from the Panel.

- 8.11 We also propose that a cohort of Observers be available during every protest event, protected by the police. A member of the Protests Panel should be the lead observer, and s/he would be supported by other respected local individuals from across the community. The Lead Observer should coordinate a report back to the full Protests Panel afterwards. We envisage that the Panel will wish to prepare a report following a protest, with a summary of ‘lessons learnt’ and recommendations for future such events. The formality of observers should help to provide independent scrutiny of events on march days, and may discourage unfounded allegations about police behaviour.
- 8.12 Why do we think that our proposals will improve community engagement? We offer three reasons.
- 8.13 First, we have been struck by the frequency with which community groups – perhaps particularly those based in the Muslim community – have said: ‘The police should just ban these marches’. As this report makes clear, the circumstances in which marches can be prohibited are very limited. (See Appendix 1), and the police themselves have no power to issue such a prohibition. Many – probably most - members of the public do not understand this. Neither do they understand that the obligation of the police is to balance competing interests. An independent body can speak credibly about this.
- 8.14 Secondly, the Panel will offer a formal channel (rather than a free-for-all in which those who shout loudest gain most traction) for consultation with all relevant interests on
- routes,
  - possible conditions
  - applications for prohibition if there is a view that the statutory criteria are met.
- 8.15 Thirdly, the communities of Rotherham will have an independent body on their side whose whole purpose is to limit the negative impact of protests and to

promote a united front against further attempts to undermine the health of the town.

- 8.16 We believe that the measures which we propose will support community confidence - in policing, in business and in community relations, which will be for the benefit of all the people of Rotherham
- 8.17 Although we have made these recommendations to meet the situation in Rotherham, there is no reason why the model of a Protests Advisory Panel should not be extended to the rest of South Yorkshire if there is seen to be a need. We are not aware of any equivalent body in the UK (leaving aside the PCNI which is in any event different), and it may be that the model might prove useful to other areas targeted by protest groups.

## 9 **A postscript.**

- 9.1 Our remit was to focus on community engagement in the context of protests, but we cannot conclude without drawing attention to a factor which, if not dealt with, may prevent the restoration of confidence in SYP by those whose first language is not English. It has a direct connection with hate crime. In an era of near-invisibility for the local bobby, the public's reliance on telephone contact with the police is all the more important. We understand that if a call comes in to either 101 or 999, where the caller's language is not English, the caller is told by the SYP operator that they will be called back once somebody with the familiarity with the appropriate language has been located.
- 9.2 We do of course completely appreciate that it would be wasteful of scarce resources to have people fluent in all South Yorkshire's minority languages available in the call centre, but there is clearly a feeling that the balance is not right at the moment. The fact that this was mentioned to us as an obstacle to the reporting of hate crime, particularly by women with poorer English language skills, suggests to us that this issue needs to be grappled with as a matter of urgency. Fortuitously, there is an ongoing review of the 101 telephone line,

initiated by the PCC, and we urge that, because of its sensitivity, and the potential for damage to community cohesion if it is not dealt with, this issue is given priority.

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February 2016

## **Appendix 1 – A note on public order powers**

The right of protest is enshrined in the common law of England and Wales. It is also protected by the European Convention of Human Rights (ECHR). The police have powers to place conditions on marches and assemblies, and in certain circumstances, to seek to have a march prohibited. Despite the law's protection of the right to protest, that right is not unqualified. Art 11 of the ECHR – embedded in the law of the United Kingdom by the Human Rights Act 1998 – allows certain restrictions to be placed on freedom of assembly, if necessary in a democratic society (among other circumstances) in the interests of public safety, the prevention of disorder and crime and the protection of the rights and freedoms of others. Additionally, Art 10 protects freedom of expression, and this too is a qualified right, subject to broadly the same restrictions as Art 11.

The Public Order Act 1986 gives (in sections 12-14) a senior police officer the power to impose conditions on the route of a march and on the location of a public assembly. If a Chief Constable reasonably believes that the power to impose conditions will not be sufficient to prevent serious public disorder, he or she may apply to the local council, which has, with the consent of the Home Secretary, the power to ban a march. There has been reluctance on the part of chief constables to apply for such a

ban. There is no power to ban an assembly. The lesser power to impose conditions can be exercised if a senior police officer reasonably believes that a march may result in serious public disorder, serious damage to property or serious disruption to the life of the community. We understand that there have been other recent examples of such restrictions on marches by the far right in Luton and by Muslim extremists in East London.