

# **The Sarah Everard vigil**

An inspection of the Metropolitan Police Service's policing of a vigil held in commemoration of Sarah Everard on Clapham Common on Saturday 13 March 2021

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# 1. Introduction

## Background

Sarah Everard, a 33-year-old marketing executive, went missing after leaving a friend's house in Clapham, south London, on 3 March 2021. She was last seen on CCTV at around 9.30pm that evening, apparently having walked across Clapham Common on her way home. After an extensive police inquiry, searches and public appeals for help, her body was found in woodland in Ashford, Kent, on 10 March 2021.

On behalf of all those who have worked on this report, we send our heartfelt condolences to the family and friends of Sarah Everard.

Miss Everard's death unleashed an outpouring of fears and concerns for their own safety among many women and girls across this country. As a national debate rapidly gathered speed, many spoke of their own experiences of feeling vulnerable or of suffering harassment and abuse from men on the streets or public transport. This highlights arguments about the responsibility of some men for their role in creating a society in which so many women feel unsafe.

The voices of those who have spoken out must not be ignored. The problems raised must be addressed by our society. They have relevance and urgency for all those involved in policing, and such problems are often a feature of our inspections. At the time of publishing this report, we are about to consult the public on our proposed policing inspection programme and framework for the year 2021/22. The programme includes a proposal for an inspection into how well the police tackle violence against women and girls.

On 9 March 2021, the Metropolitan Police Service arrested Wayne Couzens, one of its serving officers. On 12 March 2021, Couzens was charged with the kidnap and murder of Sarah Everard.

There was widespread media reporting that Couzens was also suspected of indecent exposure, at a fast food restaurant in south London on 28 February 2021. The Independent Office for Police Conduct (IOPC) has started an independent investigation into whether Metropolitan Police officers responded appropriately to a report of indecent exposure, following a conduct referral from the Metropolitan Police in relation to two officers.

The IOPC has announced two further investigations relating to the investigation of Sarah Everard's death. The first will examine how Couzens sustained head injuries on 10 and 12 March 2021 while in police custody on suspicion of Sarah Everard's murder. The second will investigate the conduct of a probationary police constable

who was on duty at a cordon supporting the search operation for Miss Everard. It is alleged that the officer sent an inappropriate graphic to colleagues via social media on 11 March 2021.

Events developed rapidly over the course of a few days. The role of the Metropolitan Police Service and its officers came under scrutiny, while an intense and impassioned debate continued about male violence towards women and the safety of women to live their lives as they would like, without fear of violence.

Policing across the country is operating under the extraordinary circumstances created by the coronavirus pandemic. Regulations have been introduced, amended, relaxed and re-imposed at speed over the past year to answer the need to protect human life by placing restrictions on the movement of citizens that would previously have been considered unthinkable. Police officers have been in the front line as they enforce regulations designed to protect public health.

Members of Reclaim These Streets (RTS) proposed to organise a vigil for Sarah Everard on Saturday 13 March 2021 on Clapham Common, close to where she had last been seen.

With the country still under severe movement restrictions due to the coronavirus pandemic, Metropolitan Police officers met the organisers of the vigil and told them that such a gathering was likely to be in breach of regulations to protect public health. Legal arguments were made by both sides at a hearing at the High Court in London on 12 March 2021. Further discussions followed between the police and RTS.

On 12 March 2021, the police released this statement:

“Today’s ruling in the High Court has confirmed that the Metropolitan Police may conclude that attendance at a large gathering could be unlawful. In light of this ruling, our message to those who were looking to attend vigils in London this weekend, including at Clapham Common, is stay at home or find a lawful and safer way to express your views.”

RTS announced on the morning of 13 March 2021 that the organised vigil they had planned would not go ahead.

Nonetheless, members of the public went to the bandstand at Clapham Common in small groups during that afternoon, many laying flowers or lighting candles. As the afternoon wore on, numbers grew. What began as a quiet, sombre affair, with a minute’s silence for Miss Everard at 6.00pm, became a rally, complete with microphones, a public address system, placards and a dense crowd. Police made nine arrests as they moved to disperse the crowd. Photographs and video footage of the scenes, including police officers detaining people, were widely circulated on social media and published in the media.

That evening and through the rest of the weekend, politicians, the media and members of the public raised questions about the police response to the event on Clapham Common. Both the Home Secretary and the Mayor of London asked for immediate explanations from the Metropolitan Police.

## Our commission

On 14 and 15 March 2021 respectively, the Home Secretary and the Mayor of London separately commissioned Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) to inspect how the Metropolitan Police Service handled the policing of the vigil in memory of Sarah Everard held on Clapham Common on Saturday 13 March 2021.

The Home Secretary wrote:

“Following the tragic killing of Sarah Everard and the unofficial vigil held in her memory on Clapham Common on Saturday 13 March, under powers in Police Act 1996, section 54(2B) I wish to commission HMICFRS to undertake a bespoke thematic inspection into the Metropolitan Police Service's handling of this event – its operational decision-making, application of the law in the context of the COVID regulations and its engagement with those at Saturday's event and the wider public.

I would be most grateful if this could be prioritised within your current programme and for you to report your findings within two weeks.”

The Mayor of London wrote:

“I request that Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services review the activities of the MPS in relation to the above event, with the following specific areas of focus:

- how effectively did the MPS plan and prepare for the 'Reclaim these Streets' vigil, including discussions between the organisers and the Central South BCU [Basic Command Unit] in the days leading up to it and the subsequent change in approach from the MPS;
- how the MPS adjusted those plans following the decision to cancel the original vigil;
- how did the MPS engage, collaborate and communicate with local partners and local communities in preparation for and during the vigil;
- the leadership and operational decision-making during the vigil itself, in the context of the COVID-19 regulations, and whether the MPS achieved the right balance between enforcing the law and the rights of those attending the vigil; and
- what lessons can be learned from the policing of this vigil for the policing of future events.”

This report has been compiled in response to these two commissions because it would not be practicable, or sensible, to conduct two separate inspections.

The inspection team's work has been guided throughout by the [ten principles relating to taking and reviewing risk](#) specified in the College of Policing (CoP)'s Authorised Professional Practice (APP). These relay consistent messages in relation to support for those who take risks in their response to incidents. For example, recognising the need for judgment and balance in considering the possible benefits and harms involved in coming to a decision. They are particularly apposite in this instance.

## Methodology

This inspection has been carried out with speed, intensity and due thoroughness. Working from the start to a strict timetable, we set out to gather a wide range of views and perspectives. The inspection team organised and carried out more than 30 interviews. This included speaking with police officers at various levels of seniority, the RTS organisers, politicians and officials in central and local government.

With the co-operation of the Metropolitan Police, Lambeth Council and others, we gathered approximately 700 documents, including statements, minutes of meetings, emails, police logs and legal submissions. These were sifted for relevance and selectively reviewed by our team of inspectors. We gathered and reviewed many hours of body-worn video from officers at the heart of the events at Clapham Common, an audio recording of police radio communications, and video recorded by others at the scene.

We examined publicly available commentary on the events at Clapham Common and other vigils held nationally. This included material on social media and news websites.

We are grateful to all those whose co-operation and assistance have allowed this inspection to be completed within the time requested by the Home Secretary and the Mayor.

## 2. The legal context

The Metropolitan Police's actions in relation to the vigil were largely guided by its understanding of the law. As such, we consider it necessary to describe in detail the regulations and wider legal context in which events unfolded.

The Secretary of State for Health and Social Care has made a series of frequently changing health protection regulations by way of statutory instrument, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984.

These are legal rules, with the explicit objective of containing and suppressing the transmission of coronavirus. Different versions of the regulations apply in different parts of the UK.

The regulations have been implemented at different points to:

- restrict travel or movement outdoors;
- limit the size and location of gatherings;
- restrict domestic and international travel;
- require people to wear face-coverings in shops and on public transport; and
- restrict (or even close) places of work, education and recreation.

This chapter focuses on the relevant regulations in force in England at the time of the planned vigil on 13 March 2021. They are formally called the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. We will refer to them as the 'All Tiers Regulations'. Importantly, we will also consider the effect and implications of human rights legislation and case law as they pertain to the events that we describe.

The All Tiers Regulations were made on 30 November 2020 and came into force on 2 December 2020. They were amended on 20 December 2020 to add Tier 4 to the original Tiers 1, 2 and 3. The current regulations are due to expire at the end of 31 March 2021.

As our inspection came to an end, Parliament extended restrictions by six months. The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 were made on 22 March 2021 and came into force on 29 March 2021.

## Implementation of Tier 4 restrictions

The police service (including the Metropolitan Police) has had to respond to frequently changing national restrictions, lockdowns and definitions of tiers. There have been six phased governmental approaches to implementing restrictions on the rights and activities of citizens. The first national lockdown in England was between late March and June 2020. The Department of Health and Social Care (DHSC) established these, based on expert advice available at the time and aligned to the Health Protection Regulations.

On 19 December 2020, the Prime Minister announced the introduction of a new Tier 4. The DHSC rationale was the increase of coronavirus cases attributed to a new variant of the virus. On 30 December 2020, after the first tiering review under the new 4-tier system, approximately 75 percent of the country was under Tier 4 restrictions.

National lockdown restrictions, under phase 6, were reintroduced for a third time on 6 January 2021.

## The law applicable to protests during the COVID-19 pandemic in March 2021

Part 1 of the All Tiers Regulations provides definitions and other provisions. Part 2 provides for different restrictions to apply to Tiers 1, 2, 3 and 4, as set out in more detail in separate schedules for each tier. Part 3 makes provision for “relevant persons” to enforce the restrictions, and for offences and penalties for those who breach the restrictions. Part 4 makes final provisions – for example, concerning review, expiry and revocation of the regulations.

Schedule 3A provides for the restrictions that apply in Tier 4 areas. All England has been within Tier 4 since 6 January 2021 (see Part 3 of Schedule 4).

## Restrictions in Tier 4 areas

The All Tiers Regulations state that, in a Tier 4 area, a person may only leave home if they have a “reasonable excuse” to do so:<sup>1</sup>

“(1) No person who lives in the Tier 4 area may leave or be outside of the place where they are living without reasonable excuse.

(2) For the purposes of sub-paragraph (1)—

(a) the circumstances in which a person has a reasonable excuse include where one of the exceptions set out in paragraph 2 applies...”

A non-exhaustive list of 20 circumstances (called “exceptions”) where a person will have a “reasonable excuse” to leave home is then provided<sup>2</sup>. The wording of paragraph 1 makes it clear that this list of “exceptions” is non-exhaustive: “the circumstances in which a person has a reasonable excuse **include** where one of the

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<sup>1</sup> Paragraph 1 of Schedule 3A.

<sup>2</sup> For a list of those exceptions, see paragraph 2 of Schedule 3A.



exceptions set out in paragraph 2 applies” (emphasis added). In other words, the list includes, but is not limited to, the “exceptions” that are mentioned expressly.

As a result, even though leaving home to protest or attend a vigil is not an express exception, a person who does so could still have a reasonable excuse, depending on the particular facts and circumstances.

The All Tiers Regulations state that in a Tier 4 area, a person may not participate in a “gathering”<sup>3</sup> that (i) takes place outdoors; (ii) consists of more than two people; and (iii) to which no exception applies:<sup>4</sup>

- “(1) No person may participate in a gathering in the Tier 4 area which—
- (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than two people; or
  - (b) takes place in any other outdoor place and consists of two or more people...
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 6, 7 or 8 applies.”

The list of gatherings that are exceptions to this prohibition, and therefore permissible under the All Tiers Regulations in a Tier 4 area, does not expressly include protests or vigils.<sup>5</sup>

## Organisers of gatherings

The All Tiers Regulations also consider the role of “organisers” of gatherings. The relevant paragraph states that, in a Tier 4 area, a person may not hold or be involved in holding a gathering that (i) consists of more than 30 persons; (ii) is in a public outdoor place; and (iii) is not a gathering to which an exception applies:<sup>6</sup>

- “(1) No person may hold, or be involved in the holding of, a relevant gathering in the Tier 4 area.
- ...
- (3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).
- ...
- (5) A gathering falls within this sub-paragraph if (not falling within sub-paragraph (4)) it—
- (a) consists of more than 30 persons,

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<sup>3</sup> Defined in regulation 2(6)(e): “a gathering takes places when two or more persons are present together in the same place in order (i) to engage in any form of social interaction with each other, or (ii) to undertake any other activity with each other”.

<sup>4</sup> Paragraph 4 of Schedule 3A.

<sup>5</sup> Paragraphs 6, 7 and 8 of Schedule 3A.

<sup>6</sup> Paragraph 5 of Schedule 3A.

(b) takes place— ...

(iii) on land which satisfies the condition in sub-paragraph (6), and

(c) is not a gathering in relation to which any of the exceptions set out in paragraph 6 or 7 (so far as capable of applying to the gathering) applies.

(6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—

(a) operated by a business, a charitable, benevolent or philanthropic institution, or

(b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution, or a public body.”

## Police powers to enforce the All Tiers Regulations

The police have powers to enforce the All Tiers Regulations by taking “such action as is necessary”<sup>7</sup> (subject to the caveat referred to below):

“(1) A relevant person<sup>8</sup> may take such action as is necessary to enforce any Tier 1 restriction, Tier 2 restriction, Tier 3 restriction or Tier 4 restriction.”

In relation to gatherings held in contravention of the All Tiers Regulations, the police may (i) direct the gathering to disperse, (ii) direct any person to return to where they live, or (iii) remove any person from the gathering. They may use reasonable force to remove such a person if necessary:<sup>9</sup>

“(2A) Where a relevant person considers that a person is outside the place where they are living in contravention of paragraph 1 of Schedule 3A, the relevant person may direct that person to return to the place where they are living.

(3) Where a relevant person considers that a number of people are gathered together in contravention of a restriction imposed by paragraph 1 of Schedule 1, paragraph 1 or 2 of Schedule 2, paragraph 1 or 2 of Schedule 3 or paragraph 3 or 4 of Schedule 3A, the relevant person may—

(a) direct the gathering to disperse;

(b) direct any person in the gathering to return to the place where they are living;

(c) where the relevant person is a constable, remove any person from the gathering.

(4) A constable exercising the power in paragraph (3)(c) to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.”

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<sup>7</sup> Paragraph 9(1) of Part 3.

<sup>8</sup> A ‘relevant person’ includes a constable and a police community support officer.

<sup>9</sup> Paragraph 9(2A)-(4) of Part 3.

We mentioned above that there was an important caveat to the police’s exercise of these enforcement powers: the powers must only be exercised when it is “necessary and proportionate” to ensure compliance with the restrictions under the All Tiers Regulations:<sup>10</sup>

“(7) A relevant person may exercise a power under paragraph (1B), (1D), (2A), (2B) or (3), (5) or (6) only if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with a restriction referred to in paragraph (1C), (2A), (2B) or (3).

(8) A relevant person exercising a power under paragraph (1B), (1D), (2A), (2B) or (3), (5) or (6) may give the person concerned any reasonable instructions the relevant person considers to be necessary.”

## **Offences and penalties under the All Tiers Regulations**

A person will commit an offence under the All Tiers Regulations if, “without reasonable excuse”, he or she (i) contravenes a restriction under the relevant Tier rules; (ii) contravenes a direction given by police seeking to enforce the restrictions; (iii) fails to comply with a reasonable instruction given by the police seeking to enforce the restrictions; or (iv) obstructs the police in carrying out their functions under the All Tiers Regulations:<sup>11</sup>

“(1) A person commits an offence if, without reasonable excuse, the person—

(a) contravenes a Tier 1 restriction, a Tier 2 restriction, a Tier 3 restriction or a Tier 4 restriction,

(b) contravenes a requirement imposed, or a direction given, under regulation 9,

(c) fails to comply with a reasonable instruction ... given by a relevant person under regulation 9, or

(d) obstructs any person carrying out a function under these Regulations (including any person who is a relevant person for the purposes of regulation 9).”

A person who commits an offence under the All Tiers Regulations may receive a fixed penalty notice<sup>12</sup> or a fine<sup>13</sup> and may be arrested.<sup>14</sup>

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<sup>10</sup> Paragraph 9(7)-(8) of Part 3.

<sup>11</sup> Paragraph 10 of Part 3.

<sup>12</sup> Paragraph 11 of Part 3.

<sup>13</sup> Paragraph 10(2) of Part 3.

<sup>14</sup> Paragraph 10(5) of Part 3.

## Restrictions in Tiers 1, 2 and 3

In contrast to Tier 4, the All Tiers Regulations specifically recognise that in Tiers 1, 2 or 3 a person may participate in a gathering for the purpose of protesting. Protest is an expressly recognised exception:<sup>15</sup>

“Exception 14: protests

(20) Exception 14 is that the gathering is for the purposes of protest and—

(a) it has been organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and

(b) the gathering organiser takes the required precautions in relation to the gathering.”

The difference in wording of the restrictions in Tiers 1, 2 and 3, and the restrictions in Tier 4, lies at the heart of the dispute that arose between RTS and the Metropolitan Police, which we describe later.

## Human rights legislation and case law

The Court of Appeal in *Dolan v Secretary of State for Health* [2020] EWCA Civ 1605, [2021] 1 All ER 780 considered a judicial review challenge to the Health Protection (Coronavirus, Restrictions) (England) Regulations (SI 2020/350), which were the first form of ‘lockdown’ regulations made on 26 March 2020.

One aspect of the challenge was whether Regulation 7, which prohibited gatherings of more than two people unless they came from the same household or were gathering for specified purposes, was compatible with Article 11. The Court of Appeal concluded that the challenge to the legislation was unarguable because a “reasonable excuse” defence was available, which enabled consideration to be given to Article 11:

“... the regulations cannot be regarded as incompatible with article 11 given the express possibility of an exception where there was a reasonable excuse. It may well be that in the vast majority of cases there will be no reasonable excuse for a breach of regulation 7 as originally enacted. There were powerful public interests which lay behind the enactment of regulation 7, given the gravity of the pandemic in late March.”

It is important to note that the judgment focused purely on whether the regulations were compatible with human rights, and not any particular decision taken before or during a protest. Such decisions require highly fact-specific analysis of human rights considerations by the police.

Police have a legal obligation to act compatibly with the human rights of people taking part in a ‘public assembly’, which includes static protests, protest marches and commemorative vigils by virtue of Article 11 (freedom of peaceful assembly) and Article 10 (freedom of expression). The police must not intervene to restrict

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<sup>15</sup> Paragraph 3 of Schedule 1 (which applies to Tier 1). See also paragraph 4 of Schedule 2 (which applies to Tier 2) and paragraph 4 of Schedule 3 (which applies to Tier 3) for materially similar provisions.

these human rights unless it is necessary and proportionate to do so (these are sometimes called the police's 'negative obligations'). In addition, the police also have positive obligations. They must, for example, consider how people can access first aid services and try to maintain channels of communication with protest organisers. These positive obligations are sometimes described as the police's obligation to 'facilitate peaceful protest'.

But under Article 10 (freedom of expression) and Article 11 (freedom of assembly) of the ECHR (which take effect in UK law through the Human Rights Act 1998), the police can also lawfully restrict freedom of expression and freedom of assembly. Under Article 11(2), the legal test is whether any interferences by the police 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 and freedoms of others". Article 10(2) makes similar provision.

The overarching question in every case is how to strike a fair balance between the conflicting rights and interests of the protesters on the one hand and the general community on the other, and how this balance should be struck in a public health crisis. This is at the centre of defining the reach and content of the rights protected under Articles 10 and 11 and is an area that we report on with specific reference to the Metropolitan Police's policing of the events on 13 March 2021, later in our report.

## **How the All Tiers Regulations are incorporated into policing guidance and strategy**

The All Tiers Regulations and subsequent amendments are drafted by the DHSC. Because the DHSC doesn't have oversight of policing, it liaises with the Home Office, which then consults with the National Police Chiefs' Council (NPCC) for its view on how the police will apply the regulations. The NPCC works with the College of Policing and their respective legal teams to produce draft guidance.

The police's draft guidance is returned to the Home Office and its lawyers endeavour to ensure that it aligns to legislation and policy. Police guidance is circulated to forces only after the regulations have been signed off by the Secretary of State for Health and Social Care.

In the early stages of the pandemic, this presented a challenge because regulations were issued at speed before guidance could be drafted. The regulations have been in force for several months, with less frequent change, so the NPCC has had greater opportunity to develop and refine national police guidance.

The NPCC has implemented [Operation Talla](#) to provide a national policing response to the pandemic. The College of Policing publishes the [related guidance](#).

## **The Metropolitan Police's 'open letter' to persons organising and/or participating in public gatherings**

The Metropolitan Police publishes an open letter on its website giving advice to anyone considering organising and/or participating in public gatherings. The force told us that the first version was devised in late August 2020 and it has been updated with every change in regulations. The force sends a copy to every self-declared event organiser.

The open letter is an advisory document, which outlines some of the legal complexity and reminds an organiser or participant of their responsibility to ensure that they are not committing an offence. The letter says that the Metropolitan Police will take appropriate enforcement action when necessary.

The framing of these statements leaves room for the “reasonable excuse” defence to be applied to the circumstances of individual cases.

We think that the letter could have spelt out the position on protest more fully, by referring to the existence of a “reasonable excuse” defence and how this requires the police to consider whether people are exercising their human rights under Articles 10 and 11.

The letter also refers to certain specific ‘exemptions’ (the All Tiers Regulations contain ‘exceptions’) but does not list the exceptions exhaustively; instead, it refers the reader to the relevant part of the gov.uk website.

## 3. Chronology of events

Following Sarah Everard's disappearance, local police in Lambeth, the south London borough that includes Clapham Common, mounted extra patrols to provide some reassurance to those who had expressed increasing concerns for the safety of the public. Uniformed officers patrolled Clapham Common and the surrounding area, talked to residents, and briefed local councillors and Lambeth council officials. A contact desk was set up, staffed by local police officers, to take calls from the public.

The police prepared community impact assessments. They discussed these assessments with councillors and others to explain what the police were doing to reassure the public about the safety of those on the street in the evening, especially lone females.

### Communication with residents

The organisers told us that some women were angered by police advice to 'stay in'. They said this approach made them feel that, yet again, they were being asked to change their behaviour to reduce violence against women. In response to these reports, while speaking in the House of Lords on 10 March 2021, Baroness Jones of Moulsecoomb called for a curfew on men to keep women safe. This advice was cited by the group of individuals who formed RTS as one of the reasons they did so.

We were told that police and council representatives had knocked on doors to talk to residents. This was part of their efforts to reassure the community in the wake of Sarah Everard's disappearance.

We established that police officers were given a 'daily script' to help guide their conversations with residents. This script was authorised each day by a member of the local Lambeth police command team. It included an update on the investigation and asked for anyone with information to come forward. Also, it explained that the vigil planned for Saturday 13 March 2021 could only be held if it complied with the All Tiers Regulations.

We are aware of the significance of any wider 'stay at home' advice, reports (including in [evidence given to the Home Affairs Committee on 24 March 2021](#)) that some residents received such advice, and how it appears to have angered people.

However, we found no evidence indicating that the police, or council, set out to routinely advise women to stay at home for their own safety. We were unable to establish whether any such advice might have been given by individual officers, or whether any officer's advice had been misinterpreted by a recipient. Of course, general 'stay at home' advice is the norm during lockdown.



## Wednesday 10 March 2021

### Reclaim These Streets is formed

RTS is a small group of women from south London who are friends, or friends of friends. Two of the group are local councillors and one owns a company specialising in events management.

As we understand it, the group met (virtually) for the first time on Wednesday 10 March 2021 and consisted of approximately ten members. They wanted to do something in memory of Sarah Everard and for women who feel unsafe, go missing or face violence.

On the evening of 10 March 2021, one of the organisers sent emails to the local police commander in Lambeth and to the assistant director of community safety at Lambeth Council, informing them of their intention to hold a vigil.

## Thursday 11 March 2021

The emails sent by the RTS organiser caused a flurry of activity on the morning of 11 March 2021. The Metropolitan Police's HQ Central South (which covers Lambeth and Southwark) became aware of the proposed vigil. Officers there contacted RTS and explained that they were:

“... developing a local policing plan but would be grateful for any additional information that you may be able to provide that will assist us with developing an appropriate and proportionate local response.”

RTS organisers interpreted this as support for the vigil. They told us that, from the outset, they recognised their responsibility for public safety and took it very seriously.

Lambeth Council representatives arranged to meet the organisers and the police virtually at 2.30pm. Such meetings are good practice when either the council or police become aware of a planned event with public safety implications. In the context of COVID-19, many meetings have taken place to discuss events that would breach the All Tiers Regulations and Lambeth Council told us they had previous experience of organising events locally during pandemic restrictions.

The police told us the usual response was that events of this nature remained with local officers (i.e. those at Lambeth) unless the central headquarters function (New Scotland Yard) decided to take control. This could occur for various reasons, often to do with the scale of resources required to police the event.

Initially, the police had an indication through their intelligence work that 1,200 people would be attending, with another 2,000 showing an interest. Such numbers would constitute a mass gathering. Police interviewees told us they needed to understand the risks, and what the organisers and public wanted. The police emphasised to us that they sought to balance individuals' rights under the Human Rights Act 1998 with the restrictions under the All Tiers Regulations and the potential risk to public health.



## **Meeting: 2.30pm Thursday 11 March 2021**

Police were represented by officers from Lambeth and the operations and events unit at HQ Central South. Lambeth Council was represented by senior community safety and public protection officials. RTS was represented by two vigil organisers, who are also elected Lambeth councillors.

Minutes of the meeting show that the purpose was to bring interested parties together so that the event could be made safe and dealt with proportionately.

Organisers explained the vigil proposal, stating that it would start at 6pm on Saturday 13 March 2021, and last for one hour. They provided details of safety considerations and efforts to make the event safer. Clapham Common had been chosen because it was a large outdoor area. The organisers considered that social distancing was possible, even with large crowds.

The organisers had registered for NHS track and trace QR codes and all vigil communication stated the need for masks to be worn. Local by-laws prevented open flames on the Common and therefore 'bring a light' was encouraged. The organisers told us they had acquired 1,000 battery tealight LED lamps to prevent candles having to be used. First aiders, as well as mental health first aiders, had been arranged and a gazebo as a first aid post.

A separate press area was to be established as well as missing child points and a public address system to prevent crowding. Hand sanitisers had been ordered and the organisers proposed to enlist 40 volunteers to ensure safety and support social distancing. Other broader threats and risks had been identified and the organisers told us that they were developing a full event risk assessment.

However, during the meeting, the organisers were unable to persuade police officers that this was an accurate or appropriate assessment of the situation. The event was attracting considerable and growing interest on social media. In the Metropolitan Police's view, the organisers could not offer adequate plans to marshal or control an event of this scale.

It was clear to the council representatives that the vigil was likely to go ahead, whether supported or not, from the levels of interest being expressed on social media and the fact that other local planned events had been cancelled in favour of this one. To that end, they felt there was an opportunity to make the event safer by working together.

The Lambeth police also spoke of legal concerns, having consulted before the meeting with the Metropolitan Police legal services team. They explained that an organised event with a set time and location for a gathering would be in breach of the All Tiers Regulations.

During the meeting, police provided the organisers with the open letter (described above). It summarised the legislation and advised that any continuance of a planned event may find them liable to enforcement under the All Tiers Regulations. The letter also highlighted that organisers could face arrest under section 44 of the Serious Crimes Act 2007, for encouraging or assisting the commission of an offence. We presume this to mean by encouraging others to breach Tier 4 lockdown restrictions. This information shocked the organisers.

One of the organisers acknowledged that the legal position was challenging but was reported to have said:

“There is a political will for this to happen. The community need this vigil. It is important to build trust between [the police] and women around the capital.”

One police participant interpreted this to mean that the organiser believed this vigil would not require the same level of policing as other events that had recently taken place elsewhere in the capital. They had concerns about the potential numbers attending and that it needed to be handled both carefully and sensitively. The view of the police was that, if they ‘cherry-picked’ which events to facilitate, their decision could be challenged in court. Lambeth police were keen that, if an event took place, local officers with knowledge of their communities should be present to engage with those attending.

Before the meeting concluded, one of the organisers informed the group that they would consider challenging the Metropolitan Police interpretation of the All Tiers Regulations.

From our interviews, we sensed that many participants (including some police officers) felt that supporting the event was the right thing to do for the community. But some police representatives believed that they were constrained by the All Tiers Regulations and that the event would be illegal. There is no doubt the picture was uncertain. Both parties were in receipt of legal advice. Views differed.

The organisers thought that the police stance had changed from what they believed had been support to a greater focus on the differing interpretations of the All Tiers Regulations. They were keen to look at ways in which the event could still go ahead, and everyone agreed to meet again the following day (Friday) at 12.00pm.

### **The legal dispute over the vigil**

Social media posts had attracted attention from prominent London law firms offering to help the organisers to challenge the Metropolitan Police, should the force decide not to support the vigil. RTS instructed a law firm and worked through the night to prepare papers for a judicial review. They started a crowd fundraising site that raised £37,000 in a remarkably short time.

Lawyers for RTS wrote to the Metropolitan Police on 11 March 2021, stating:

“Our understanding is that the MPS position is that all demonstrations and protests are currently prohibited and that the police must prevent these from occurring. We understand that the MPS position is that whilst they would wish to facilitate the vigil, “our hands are tied” by the All Tiers Regulations ...”

They continued:

“You will be aware that public authorities such as the MPS must interpret the All Tiers Regulations, which are secondary legislation, compatibly with the Human Rights Act 1998, which is primary legislation ... Our clients believe that the proposed vigil would not contravene the All Tiers Regulations because organising and/or participating in it would constitute a lawful and proportionate exercise of

their (and others') rights to freedom of expression and assembly under Articles 10 and 11 of the European Convention on Human Rights and they would therefore have a 'reasonable excuse' for being outside or gathering."

In response, on 12 March 2021, the Metropolitan Police explained that:

"The proposed gathering does fall within the general prohibition on outdoor gatherings consisting of more than two people, imposed solely on grounds of protecting public health."

The Metropolitan Police explained its view further:

"It is common ground that there is a general prohibition in paragraph 3 of Sch 3A to the Regulations, which provides for the Tier 4 restrictions on gatherings of more than two people in an outdoor place, other than for specified exceptions, of which there is an exhaustive list. There is no exception for protest. Thus, there is currently a general prohibition on gatherings in Tier 4 areas which would apply to gatherings of more than two for the purposes of protest. While it is accepted that this is a significant interference with a person's Article 11 right, it is not an absolute prohibition on all protests in outdoor areas. Protests can be made in ways that do not involve breaching the general prohibition on gatherings."

The Metropolitan Police also observed that protest is recognised as an exception to the prohibition on gatherings in Tier 3 (as we have noted above). It concluded that:

"Thus, the inclusion of protest as an exception for Tier 3, but not for Tier 4, makes it plain beyond any real debate, that it was the deliberate intention of Parliament to include all gatherings for the purposes of protest within the general prohibition on gatherings when Tier 4 restrictions apply."

However, the Metropolitan Police also stated that it:

"... does not consider that all protest is prohibited, irrespective of circumstances. It has no such policy."

The Metropolitan Police acknowledged that a person faced with a fine or prosecution for participating in a gathering that does not fall within one of the permitted exceptions may seek to rely on the "reasonable excuse" defence. However, they argued that it could not be said in advance of a widely publicised large planned gathering that the defence would necessarily apply to those organising or attending such a gathering.

A statement on Twitter from the Women's Parliamentary Labour Party showed their support of the vigil in memory of Sarah Everard and in support of the right of every woman and girl to walk our streets without fear of violence. It said:

"We believe that Reclaim These Streets vigils in memory of Sarah Everard and in support of the right of every woman and girl to walk our streets without fear of violence are consistent with COVID-19 regulations which recognise that the right to protest is a human right.

We therefore urge the police to confirm that they will work with the organisers and local communities to ensure that if vigils take place they are done as safely as possible with COVID-secure measures in place."

## Correspondence from Harriet Harman to the Metropolitan Police

Harriet Harman QC MP, chair of the Parliamentary Joint Committee on Human Rights, sent a letter to the Metropolitan Police commissioner asking that she:

“... confirm that in view of the fact that Parliament has not specifically acted to constrain the right to demonstrate, so long as social distancing is observed this vigil will be perfectly lawful.

I look forward to hearing from you, and also wish to let you know that I will be attending the vigil myself.”

### Our analysis

It is correct that neither Parliament, in primary legislation, nor the Secretary of State, in the All Tiers Regulations, has **prohibited** protest. However, the All Tiers Regulations do impose restrictions on the freedom to demonstrate (and in that sense they “constrain the right to demonstrate”). There will be certain instances of protest activity that lawfully occurred before the pandemic that would not be lawful while the All Tiers Regulations remain in force.

However, it does not follow that the All Tiers Regulations violate human rights under Articles 10 or 11. As explained below, the range of permissible protest activity under the All Tiers Regulations is itself set by reference to the content of those human rights through the “reasonable excuse” defence; and the need to protect public health will in certain circumstances justify restrictions on the exercise of Article 10 and 11 rights that would not have been justified before the pandemic.

It is also correct that whether social distancing can be observed during a planned protest will be an important factor for the police in deciding whether the protest is likely to be lawful under the All Tiers Regulations. However, planned social distancing is not the only factor that the police may lawfully consider. For instance, there may be concerns about whether social distancing is likely to be maintained.

For the police, such decisions are not easy, particularly when the full facts about the planned event may not be known (as was the case for the planned vigil). However, the police have a positive duty under Article 11 to engage with organisers (and that duty has not been removed by the All Tiers Regulations).

In the current COVID-19 crisis, the collection and use of information to enable the police to decide on whether a protest is likely to take place lawfully is essential. To the extent that the Metropolitan Police had thought that its “hands were tied” by the All Tiers Regulations, with the result that it could not plan to police a protest because that would be to allow an unlawful gathering, that position risked failing to provide enough protection for human rights.

The Metropolitan Police had to consider whether there was a way in which the protest could proceed lawfully, or whether the risks to public health were simply too great. In liaising with organisers to see whether an event can be planned in such a way that protestors’ conduct does not constitute an offence, including by operation of the “reasonable excuse” defence, the police would ensure Article 11 is protected. This is not, however, to say that the police are required by law to provide a blanket assurance

that anyone attending a particular planned protest will necessarily have a reasonable excuse irrespective of how events unfold during the protest.

## **Friday 12 March 2021**

### **The National Police Chiefs' Council and selected chief constables meeting: 8–9am**

The NPCC and selected chief constables (representing forces within their region) hold an Operation Talla conference call every Friday, primarily to discuss the police response to the pandemic. The meeting on Friday 12 March 2021 discussed the police's national position on the vigils planned for the weekend of 13–14 March 2021.

Those at the meeting recognised the public felt very strongly about what had happened and wanted to show respect for Sarah Everard and support for the broader problem of violence against women and children.

However, the meeting was united in the view that the All Tiers Regulations needed to be adhered to and enforced if necessary, and that vigils should not go ahead. There was a consensus that people should be encouraged to express their views and grieve in a different way.

### **Ministerial and police meeting: 9–10am**

Details of the Operation Talla conference call were relayed to a ministerial conference call at 9am. During the pandemic, Ministers, NPCC members (often including the Metropolitan Police Commissioner) and other interested parties usually meet twice weekly. A chief constable is also invited on a rotational basis. We interviewed various parties who were present on this conference call.

The Metropolitan Police felt that the vigil couldn't go ahead within the All Tiers Regulations. The Metropolitan Police Commissioner was seeking ministerial support for this position. We were told that the Home Secretary (represented by her private secretary) broadly agreed with the proposed approach and stated that she intended to issue a public statement asking people not to attend the vigil but to show their respects in other ways.

The NPCC produced a single briefing note from both meetings that was circulated to all chief constables. It encouraged forces to have early engagement with organisers of vigils within their force areas. It explained that the risk to public health is so great that large gatherings shouldn't go ahead, in order to avoid spreading the virus further. This briefing note encouraged the police service to apply the All Tiers Regulations consistently. It told chief constables that the Minister for Crime and Policing and the Home Secretary supported this position and would be releasing public messaging during the day to discourage people from gathering.

A police interviewee suggested that, as the afternoon went on, the Government support wasn't forthcoming in the manner expected and the anticipated message from the Home Secretary was "watered down".

A [newspaper later reported details of this briefing note](#) and commented that some chief officers felt that policing had been "hung out to dry".

However, we established that, after the 9.00am ministerial and police meeting, the Home Secretary was advised to wait for the High Court's Judgment before commenting. Such advice would be hard to criticise.

### **Meeting: 12.00 noon**

As planned, police, RTS organisers and Lambeth Council met again (virtually). By this point, legal proceedings had advanced. The Metropolitan Police had been served with notification of the judicial review by the organisers, who were joined at the meeting by members of their legal team.

The Metropolitan Police COVID-19 [Gold Commander](#) was also present. We were told that this was to ensure a consistent police response to events during the pandemic and to offer support to the BCU, to ensure an understanding of the whole situation as regards the pandemic.

The Metropolitan Police was aware of the concerns among its colleagues on the multi-agency strategic co-ordination group, in relation to large gatherings. Each borough has an 'outbreak management' plan and local 'surge testing' to manage outbreaks of new variants of concern. Despite the success of the vaccine programme, there were concerns over 'vaccine hesitancy', particularly within Black, Asian and minority ethnic communities. Targeted local communication campaigns were in place to tackle that. There were also concerns that infection rates might change due to schools re-opening on 8 March 2021. The Government's general message remained 'stay at home'. Police understood that the situation in London was concerning and travelling from other places into the area where the vigil was to take place might adversely affect the infection rates in local communities as well as elsewhere.

The police representatives had several concerns. We were told that the numbers showing an interest in attending the vigil had risen from 2,000 to 6,000. They were conscious that others were watching to see how the police applied the regulations in this instance, which could then have an effect on future proposals for events.

Also, the force was uncertain which other groups would attend the vigil to promote their own causes.

The organisers sought assurances that enforcement action would not be taken and immunity from their own liability as organisers. The police gave no such assurances. The numbers were expected to exceed those permitted by the All Tiers Regulations irrespective of the arrangements proposed by the organisers.

The police told us that they believed the organisers had started the plans with the best of intentions but had been unaware of the consequences and had inadvertently created a situation that they were, through no fault of their own, ill-equipped to manage. The police felt that imminent legal proceedings, and their inability to give assurances of immunity from prosecution to the organisers, limited opportunities to find common ground during this meeting.

The organisers maintained that the planned vigil had public and political support with increasingly significant public interest being shown. They felt the police were not supporting the event as a result of a perceived blanket ban on events, but they thought it could not be ignored that there would be a gathering in some form.



The police had to balance the public health risks and the volume of people expected to attend against individual rights under the Human Rights Act 1998. They wanted to keep people safe. The COVID Gold Commander was amenable to supporting a 'COVID compliant' event, i.e. if attendance was limited to those attending in pairs and family groups, which might have necessitated organisers spreading the event over several days.

Interviewees commented on a discernible change in the atmosphere since the meeting the previous day. A council representative told us that the police position had "hardened". We were told by people we interviewed that little progress was made during this meeting. Both sides believed that they had reached an impasse.

The organisers stated that going to court was the right thing to do to ensure that the law was interpreted correctly by the police. They sensed that there was a difference in opinion between Lambeth police officers and those from New Scotland Yard (NSY).

Organisers believed that local Lambeth officers wanted to adopt a more collaborative approach and understood the trust that needed to be rebuilt with the community, given the circumstances of Sarah Everard's death. It was clear to us that the Metropolitan Police's view was in favour of maintaining consistency between the handling of this event and others that had been unsupported.

Unable to reach an agreement, the meeting was paused until after the High Court had considered the case.

Separately, the Metropolitan Police emphasised to us that some of its officers held extensive experience in planning and carrying out protest policing operations in these circumstances, whereas the organisers were a new group, formed only days earlier. Also, the force strongly suggested that, at this stage, RTS had not adequately addressed the scale of anticipated attendance and associated risks.

### **The High Court judgment**

At 3.15pm on 12 March 2021, the parties were notified that the High Court hearing was scheduled for 3.45pm that day.

Mr Justice Holgate heard an application for three declarations by RTS and handed down a short judgment (the 'Judgment').<sup>16</sup> A declaration is a formal statement of the law made by a court. RTS asked the court to make declarations in the following terms:

1. Schedule 3A to the All Tiers Regulations 2020 insofar as it prohibits outdoor gatherings, is subject to the right to protest protected by the Human Rights Act 1998.
2. The Metropolitan Police Service's policy prohibiting all protests irrespective of the specific circumstances is, accordingly, erroneous in law.
3. Persons who are exercising their right to protest in a reasonable manner will have a reasonable excuse for gathering under that Schedule.

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<sup>16</sup> [2021] EWHC 661 (Admin).

The judge did not make these declarations. It is important to be clear why he declined to do so. It was not because the absence of an express exception for protest in Tier 4 areas under the All Tiers Regulations makes all protest activity in Tier 4 unlawful. On the contrary, as the Metropolitan Police accepted, a protest **can in certain circumstances** be lawful under the All Tiers Regulations even in Tier 4.

We set out the judge’s reasoning below and then explain why the declaration was not made.

First, relying upon the earlier decision of the Court of Appeal in *Dolan v Secretary of State for Health*,<sup>17</sup> which addressed the compatibility of the first version of COVID-19 restrictions with the right to protest, Mr Justice Holgate held that the All Tiers Regulations should, and could, be read compatibly with Articles 10 and 11, the rights to freedom of expression and peaceful assembly, which are protected under the Human Rights Act 1998. As in the *Dolan* case, the judge explained that the way in which the All Tiers Regulations can give effect to human rights protections is through the “reasonable excuse” defence.<sup>18</sup> In other words, where a person is breaching a restriction under the All Tiers Regulations but is doing so because they are exercising the human right to protest, they may have a reasonable excuse to what would otherwise be a criminal offence under the All Tiers Regulations.

Second, the judge relied on the decision of *DPP v Ziegler*<sup>19</sup>. This concerned whether protestors who obstructed a highway had a “lawful excuse” to an offence under section 137 of the Highways Act 1980 (obstructing the highway) by virtue of the fact they were protesting. The judge considered that the approach set out by the High Court in that case was correct – namely, that:<sup>20</sup>

“... it is relevant to consider whether a person is exercising rights given by Article 10 or 11. It is also relevant to consider whether a public authority, in this case the police, would be interfering with those rights by enforcing the 2020 Regulations. Then, the legitimacy of the aim of those Regulations is a relevant consideration, together with the question whether the interference is necessary to achieve that aim. The 2020 Regulations are aimed at the protection of public health. All this gives rise to the proportionality exercise ...”

Third, the judge made two important statements about the relationship between human rights law and the All Tiers Regulations:<sup>21</sup>

1. “[i]t is possible that the outcome of applying the relevant tests in relation to Articles 10 and 11 is that a particular protest or demonstration should not go ahead. That is a matter to be considered in the circumstances of each case”; and
2. “it is inappropriate to treat the 2020 Regulations as if they give rise to a blanket prohibition on gatherings for protest, because that would fail to give effect to the law as laid down by the Court of Appeal in *Dolan* on the way in which the Regulations are to be read and applied compatibly with Articles 10 and 11.”

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<sup>17</sup> [2020] EWCA Civ 1605, [2021] 1 All ER 780.

<sup>18</sup> §14.

<sup>19</sup> [2019] EWHC 71 (Admin), [2020] QB 253.

<sup>20</sup> §16.

<sup>21</sup> §17.



At the hearing, the parties agreed that the reasoning set out above accurately stated the law. As a result, in the end, there was little difference between the parties as to the correct approach in law.

Mr Justice Holgate went on to consider whether to make the declaration RTS had sought. He emphasised that there was no decision of the Metropolitan Police that was being challenged, but rather that the application had arisen “because of the change of stance on the part of the police, as it appears, and the perception it gave rise to that they considered their hands to be tied by the 2020 Regulations and so for that reason the event could not take place”<sup>22</sup>. Therefore, as to each part of the declaration (as set out above), he concluded:

1. There was no need to make the first part of the declaration because it simply sought to restate the law as already stated in *Dolan and Ziegler*<sup>23</sup>.
2. As to the second part, counsel for the Metropolitan Police had stated that there was no policy whereby the police applied a blanket prohibition to protest. He also accepted that, if a police force had such a policy, that would be unlawful because it would be incompatible with the human right to protest<sup>24</sup>.
3. The third part of the declaration would be an “incomplete analysis of the law” because “[f]or example, it assumes that a particular protest may take place at all once the Regulations are applied together with Articles 10 and 11... it is one possible and lawful outcome in a specific case that such a protest may not lawfully take place”.<sup>25</sup>

Contrary to some of the press and media reporting, there was no ‘victory’ for one side or the other. Nor did the court simply tell the parties to resolve the matter between themselves. The Judgment clarifies the law in a crucial respect.

### **Can protests in Tier 4 ever be lawful under the All Tiers Regulations?**

The answer, as confirmed by the Judgment, is yes. The fact that the All Tiers Regulations do **not** make protest an express exception to the general prohibition on gatherings does not mean that any and all protest activity will be unlawful.

Documents we have seen from the Metropolitan Police, in which the All Tiers Regulations are discussed prior to the Judgment, show that there was a degree of confusion as to the correct legal position. That stemmed from the fact that there is no exception for protest, whereas such an exception is provided for under the restrictions that apply in Tiers 1, 2 and 3. However, as confirmed by the Judgment, the All Tiers Regulations must be interpreted in a way that protects and gives effect to human rights.<sup>26</sup> The All Tiers Regulations must be read subject to the Human Rights Act 1998, and not the other way around.

The police are required, therefore, to decide on the specific facts of each protest that is proposed or is taking place. This decision must carefully assess whether, in all the circumstances, enforcing the restrictions in the All Tiers Regulations would be a

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<sup>22</sup> §19 of the Judgment.

<sup>23</sup> §21 of the Judgment.

<sup>24</sup> §24 of the Judgment.

<sup>25</sup> §22 of the Judgment.

<sup>26</sup> S. 3 of the Human Rights Act 1998.

disproportionate interference with the protesters' human rights such that, if prosecuted for an offence under the All Tiers Regulations, they would be able to establish a "reasonable excuse" defence.

We have read comments in Metropolitan Police documents that suggest there was a significant concern about the need for consistency between different protest groups. The Metropolitan Police (and other forces) must remain neutral in terms of the problems the groups are protesting about and the messages they are seeking to convey. But this need for consistency cannot substitute for an individualised proportionality assessment that considers the specific facts of each case.

Given the current public health concerns, the decision about whether a protest would be lawful will very probably need to include whether and what risk assessments have been conducted, whether social distancing will be adhered to and maintained, and any other measures that may assist in managing the risk to public health, such as marshalling. The more effective the measures to manage the risk to public health at a protest, the more likely it is that the protest will be lawful under the All Tiers Regulations. However, there may be circumstances in which the threat to public health is simply too great and a planned protest cannot lawfully go ahead. In such a case, the reasons why a less restrictive approach cannot be taken need careful consideration.

Such decisions are not easy. The police may be asked by organisers to decide in advance of a protest happening, as was the case of the vigil planned for 13 March 2021, when the full facts about the planned event may not be known. However, the police have a positive duty under Article 11 to engage with organisers.<sup>27</sup> The All Tiers Regulations have not removed that positive duty, although they allow a different balance to be struck in the light of the public health emergency.

In the current COVID-19 crisis, it is essential that police collect and use information to enable them to decide whether a protest is likely to take place lawfully. An unchanging position that a force could not plan to police a protest, because that would be to allow an unlawful gathering, risked failing to provide enough protection for human rights. The Metropolitan Police had to consider whether, based on the circumstances, with all the information and intelligence available to them, including their experience, there was a way in which the protest could proceed lawfully, or whether the risks to public health were simply too great. Our position is that the police can and should advise as to whether or not a protest is likely to be subject to enforcement action (without providing blanket assurances to this effect).

### **Meeting: 7.00pm**

After the Judgment, the police, council and organisers met again. No written judgment was available, and individuals were trying to understand what the court had determined.

The police view was that the court decision hadn't changed anything.

The organisers believed that they were meeting with the Metropolitan Police to agree a way for the vigil to take place. To that end, they raised proposals during the meeting. The main change related to the allocation of staggered times for attendees, which

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<sup>27</sup> [Frumkin v Russia](#) (2016) 63 EHRR 18.

would have helped maintain social distancing and overcrowding. They also asked for immunity against prosecution for those attending.

The police were aware that they had to consider the circumstances of each event. If the vigil did go ahead, it would be important to prevent large gatherings. They remained clear that the vigil was in breach of the All Tiers Regulations. A senior police officer told the organisers that assurances – including promises of immunity – could not be given.

The council representatives were firmly of the view that, irrespective of an agreement, an event of some sort was going to take place. They wanted to have contingencies in place, including deploying marshals to make the event as safe as possible. They believed that a plan, even at this late stage, could be agreed. The police did agree that a vigil that was spread out in time and location might not comprise a gathering under the All Tiers Regulations. But the sticking point was the organisers' request for a guarantee of immunity from prosecution.

During the meeting, the organisers became aware that the Metropolitan Police had released a statement to the media, which they construed as the police informing the public that the vigil had been cancelled. They were disappointed by this action, feeling that the police had been disingenuous in entering negotiations.

A senior Metropolitan Police officer told us that the press release did go out towards the end of the meeting, but it did not state the vigil had been cancelled. Instead, it stated that the court had confirmed that the Metropolitan Police was right in concluding that attendance at a large gathering could be unlawful. It reinforced the message to stay at home adding:

“I [a Metropolitan Police commander] understand this ruling will be a disappointment to those hoping to express their strength of feeling, but I ask women and allies across London to find a safe alternative way to express their views.”

[It was reported that a barrister representing RTS described the statement as “premature”.](#)

The Metropolitan Police's view was that, during the negotiations, RTS issued press releases that misrepresented some of the facts.

The organisers felt let down and considered that there was little point in continuing with negotiations. They were angry, upset and disappointed.

A council representative felt the position adopted by the police in this case became a bar to the negotiations. They thought that there was a strong likelihood of a disorganised gathering the following day without any safety measures in place. In other smaller local events, they had all worked together to reduce the risks of illegal gatherings.

Organisers met later to discuss their next steps. They felt an overwhelming sense of failure. They believed they had tried to do something, with women and the wider community at the heart of their plans, but had been unable to achieve what they set out to do.

They decided that they had to cancel the vigil or risk many women being fined for turning up to an event that they had created. As organisers, they would also be liable to prosecution and, if convicted, significant fines.

The sense of responsibility they felt was palpable. One organiser told us that the threat of police action and the consequences of a criminal conviction were too much for some women and that they had no option but to cancel the event.

After cancelling, the organisers decided not to go to Clapham Common the following day. Instead, they arranged a doorstep vigil for 9.00pm on Saturday and set up another crowdfunding event. At the time of our interview, this had raised £525,000 to support women's and girls' organisations in the UK.

The council told us that they discussed their operational plan with the police because it was clear that an event would still take place despite its formal cancellation. In their view, the cancellation increased the risk factors. They feared there was potential for things to go wrong and felt that it may have been better to go ahead with organisers on board.

### **Consultation with other parties over three days**

We were informed that the Metropolitan Police's COVID Gold Commander briefed London MPs and specifically talked to Harriet Harman QC MP, seeking support. In addition, the Commissioner spoke personally on many occasions over the period from Thursday 11 March 2021 to the morning of Saturday 13 March 2021, to both Ministers and officials in the Government, and to the Mayor, Deputy Mayor and officials at City Hall. She also briefed some London local authority chief executives and council leaders.

The conversations (in the context of wider briefings on the events surrounding Sarah Everard's death) were designed to brief colleagues about the proposed vigil and the potential for a mass gathering. They were also designed to alert them to police concerns that involvement in such a gathering could result in enforcement action, including potentially arrests.

The Commissioner was seeking support for communications and measures such as an alternative marking of Miss Everard's death (such as the placing of candles on doorsteps), which would reduce the likelihood of large numbers of people gathering unlawfully. The Deputy Commissioner engaged in some similar briefings.

### **Saturday 13 March 2021**

The RTS organisers posted on social media, announcing the cancellation of the vigil.

#### **The Metropolitan Police's decision following the Judgment**

On the morning of Saturday 13 March 2021, the Metropolitan Police decided that the strategy dated 6 January 2021 (Operation Pima) was appropriate to apply in the circumstances. Operation Pima covers many aspects of the police's response to COVID-19, but as regards protest it states:

“Under National lockdown regulations, gatherings for the purposes of protest are not exempt, and therefore the policing response will need to respond to this, in what is a rapidly deteriorating position with a virus variant that will transmit much more easily. This means there are more risks associated with large groups, both to the groups themselves, communities and officers dealing. There is a clear need [for] enforcement action to deal with any large groups.”

It identifies one of the Metropolitan Police’s strategic objectives as follows:

“Provide an effective and proportionate response to protest. In doing this we will take into account the [All Tiers Regulations] for national lockdown that place significant restrictions on gatherings. If these are breached we will ensure that there is an effective, consistent and well-communicated response (which will include enforcement where appropriate).”

In the Metropolitan Police decision to follow Operation Pima, there remains some evidence of the legal confusion we have identified above. For instance, there is the suggestion in the Gold Commander’s log that:

“Whilst we do need to consider peoples article 10/11 rights throughout our decision making, a good chunk of this consideration has been done by Parliament, in that, in the All Tiers/National lockdown restrictions there was no exemption for protest/larger gatherings (where COVID safe measures had been taken), this measure was clearly in place in the Tier 2/3 restrictions so the intent of Parliament seems clear.”

This is an incorrect interpretation of the All Tiers Regulations. For the reasons we have explained above, the fact that there was no exception for protests under Tier 4 restrictions does not mean that any and all protests will be unlawful, and where COVID-19 safety measures are taken, this will be particularly relevant to whether or not a “reasonable excuse” defence is likely to be available.<sup>28</sup> There is also evidence of the concern for consistency between protest groups, which, as noted above, should not lead to an approach of treating all protest activity as invariably unlawful.

However, it does not follow that the police response to the events planned for 13 March 2021, or to the events that occurred on the day, was wrong. The Gold Commander’s log explains why the Metropolitan Police considered that, following discussions with the organisers, a large planned gathering simply could not go ahead safely:

“... when balancing the article 10/11 rights of a much larger gathering, where the organisers themselves outlined that they had no direction or control over the numbers coming, where large numbers would be traveling to and from the venue, and people from across London would be mixing, and the organisers had no control over who was coming or what they would do, this clearly pushed the balance firmly towards the event being in breach of the [All Tiers Regulations] and for our role to be saving lives and protecting the community from COVID.”

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<sup>28</sup> It should also be noted that the All Tiers Regulations are secondary legislation made by the Secretary of State, not primary legislation enacted by Parliament.

These are all relevant considerations in deciding where the balance should be struck in relation to a planned event.

By Saturday morning, the organisers having cancelled their proposed vigil, the Gold Commander described the intended policing response to any unplanned protest gatherings:

“In dealing with any gathering that happens for the purposes of a vigil, we will deal with each event/gathering individually. We will consider at the time the article 10/11 rights of those present, and ensure that there is a proportionate response.”

“This does not mean doing nothing, and we will remain consistent in our duties and where appropriate moving to enforcement action under the [All Tiers Regulations]. However, our approach to enforcement and the speed with which we move through the 4E’s<sup>29</sup> will be commensurate with the event and the numbers present. However, we will if proportionate and necessary move to enforcement action to keep the community safe ...”

“At start no [[police support units](#) (PSUs)] are to attend the vigil locations in carriers unless directed by Bronze – we should be on foot and talking to people. I do not want carriers doing laps of Clapham Common, I want a low key and proportionate (and if possible local) response. I would expect proportionate police visibility on foot patrolling to prevent crime and to engage with and support the public ... It is critical that we use the 4E approach, however also clear that if this does not work we will be prepared to move to enforcement, either by directing people to leave or even issue FPN if engaging, explaining and encouraging have not worked.”

“Silver must be informed before any [All Tiers Regulations] enforcement action is taken at a Vigil, and the Bx [Bronze commander] will [discuss] the circumstances, the engagement that has taken place and why we are now at the point where we need to enforce which in these circumstances will be as a last resort. (This is clearly distinct from my clear position re egregious, wilful and deliberate breaches where the risks are great e.g. [unlicensed music events], house parties and indeed some protests where people do not take any precautions, do not socially distance and clearly placing the community at risk).”

“Look and Feel of policing response tonight will be essential – we are appalled, shocked, saddened but have a job to do as well. We also need to be prepared that any gatherings could be attractive for terrorists who have had no opportunities to date, so we must remain alert. We must also be prepared for a number of people turning up who are ‘anti-police’ and who will blame us for the fact the vigils have been cancelled by the organisers. We must be empathetic to this point of view, but equally enforce the law without fear or favour.”

The approach described above is entirely appropriate. It expressly considers protesters’ rights under Articles 10 and 11 and identifies the need to decide what is a necessary and proportionate policing response in the individual circumstances of the case.

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<sup>29</sup> The “4 E’s” are engage, explain, encourage and enforce.



## Summary of tactical plan

The Silver tactical plan contained the threat assessment that identified that the primary risk was to public health from the spread of COVID-19. Public disorder was considered a low threat. The tactic to address the public health risk was to apply the 4Es, with the emphasis on the first 3Es of engage, encourage and explain. This was supported by social media messaging. Enforcement could only be applied with the express authority of the Silver Commander.

The plan considered the potential impact that the policing of the vigil could have on policing subsequent events in London.

## How well was the tactical plan applied?

The previous day (Friday 12 March 2021), police had received intelligence that members of an organisation called Sisters Uncut were planning to attend the Clapham Common vigil. An interviewee described Sisters Uncut as a “low turnout high impact” group.

During the morning and afternoon of Saturday 13 March 2021, a series of briefings took place for officers working on the vigil. They were briefed that Sisters Uncut may attend and the [police liaison team](#) (PLT) officers made further enquiries to learn more about this group.

However, because the Silver Commander had decided to keep the policing relatively low profile, there were no plans to deploy forward intelligence officers to identify people associated with Sisters Uncut (or any other protest groups) with a view to speaking to them before they arrived at Clapham Common. But we understand that local community officers deployed to the Common were briefed to look for and engage with people associated with Sisters Uncut.

It would have been preferable to have briefed and deployed officers to look for people associated with Sisters Uncut or other known protest groups at and around London Underground stations and bus stops near the Common. The Gold Commander’s log included “pre arrival engagement and comms with people before they arrive (after 4pm Saturday) – so around tube stations ...”. But the plan didn’t appear to include intelligence collection at these places.

The Gold and Silver commanders and their support staff were in the force command suite at Lambeth. There were no people present from other emergency services or the local authority.

## Bronze Commanders’ roles

A command structure of Bronze Commanders was working to the Silver Commander. Some had functional responsibilities, such as intelligence, and others had geographic responsibility.

The role of ‘Bronze Community’ was to engage with local contacts, with whom there were long-standing relationships. In the week before the planned vigil, this officer had overseen reassurance patrols in the community. On the day of the vigil, Bronze Community was positioned on the Common but had no command responsibilities for

the officers there. That was the role of 'Bronze 3', whose job was to oversee all officers deployed to Clapham Common.

The 'Bronze Engagement' Commander had a pan-London responsibility for engagement with other organisations and communities. It was expected that this officer would have contact with Bronze Community. However, during the event, Bronze Engagement had no communication with Bronze Community, so no updates were passed to the Silver Commander.

Following briefings on the morning of Saturday 13 March 2021, Bronze 3 deployed officers onto Clapham Common.

According to evidence given to us, Bronze 3 went to Clapham Common at 12.30pm, left around 2pm and instructed the officers to report to him any change in the situation on the Common, including around the bandstand. Bronze 3 was away from Clapham Common until 5.45pm. He spent some of the intervening period briefing officers. During that time, Bronze 3 did not ask for, or receive, any update about events, numbers of people or crowd behaviour. This was consistent with the log entries we reviewed.

Meetings were scheduled for 10am, 2pm and 5pm when it was expected that all Bronze Commanders would give updates of the current situation to allow the Silver Commander to review the operation and consider changes. In our view, and in that of the Gold Commander, updates should not have been limited to just those that were pre-planned. In an email briefing on the morning of Saturday 13 March, the Gold Commander said:

“Supervisors / Inspectors or [Bronze Commanders] will assess each site, and escalate in the event that there are larger numbers coming, or if it is clear that there are significant breaches [of the All Tiers Regulations] which is likely to place people in danger, or if there is a threat to public order / Queens Peace. At this point more officers will attend, assess and if necessary [act].”

### **Insufficient communication leading to inadequate situational awareness**

At about 4.30pm, HRH the Duchess of Cambridge arrived with her protection officers. She left flowers at the bandstand before paying her respects and departing without incident. The Silver Commander learnt of her visit only when it was reported by Sky News.

While we understand that it may be the tactic of protection teams to minimise pre-warning of VIPs' movements, this is a matter of concern. The incident illustrates the absence of effective communication to the Silver Commander about changing events on the ground.

During the day, a local officer saw Mr Piers Corbyn, a man with a history of organising protests against COVID-19 restrictions. He had just come from a 'Live London Live' rally in Wimbledon as part of his campaigning, in which he encourages "You resist, you defy, you do not comply". He was seen, with approximately 20 of his supporters, leaving the underground station at Clapham and making their way towards the common. Mr Corbyn's arrival at Clapham is noted on the Silver Commander's log at 4.38pm.



Mr Corbyn was later seen at 5.30pm positioned at the front of the crowd at the bandstand. The Silver Commander was not told about this and was therefore unable to determine whether the situation was changing, and whether any action was needed.

We are also aware that at some point during the afternoon, people had brought a microphone and public address system and erected them on the bandstand, but this went unnoticed or unreported by the officers nearby.

In the absence of updates from the scene, the Silver Commander relied on a CCTV van positioned 100 metres from the bandstand. He became concerned that the images were giving the impression that the crowd was becoming dense and sought clarification from officers at the scene. Local officers assured him that, at that time, there were no matters of concern.

Together, these shortfalls in updates seriously compromised the Silver Commander's situational awareness of what was happening on Clapham Common.

Bronze 3 returned to Clapham Common at 5.45pm, to find that crowd numbers had significantly increased (estimated to be about 1,500.) There was a very different atmosphere in the crowd. Some people were displaying placards more akin to a protest than a vigil. A man (whom we now believe to be an associate of Mr Corbyn) was attempting to address the crowd by shouting at them from the bandstand using words to the effect of "the police are oppressing us, they are murderers". A chant began from the crowd of "Not your place, not your place" and "Get him off". This man was escorted off the bandstand by police.

However, based on the information that the Silver Commander had, the assessment was that this was still a sombre event with a small crowd of about 200 people.

Lambeth Borough Council told us that their council Gold Commander had tried to contact the Metropolitan Police Gold Commander in Central Command during the evening but could not get through to him. Having seen WhatsApp messaging and videos, he was concerned that the event was starting to get out of control. The council raised this with the BCU Commander the following morning.

### **The period from 5.45pm**

To help us form an independent view of what happened over the following hours, we examined body-worn video, officers' statements and other material. Given the time constraints on our inspection, we didn't view all the available footage or read all the statements. Instead, we prioritised based on officers' roles. We are confident that we reviewed enough material to enable us to form a reliable view.

Soon after 6pm, Bronze 3 updated the Silver Commander, who revised his assessment of the event. He told us that the 'look and feel' changed around that time. The transient vigil turned into a crowd around the bandstand and developed into something better described as a rally. Updates from the ground showed that it was no longer a sombre affair. The Silver Commander considered that to be the tipping point.

## **Police liaison team not deployed early enough**

Bronze 3 had been allocated PLT officers. PLTs are formed of specialist officers with good communication skills and training to establish and maintain dialogue with groups, adopting a community policing style. They were deployed at 5.45pm by Bronze 3 on his arrival back at Clapham Common. We agree with the observations of an interviewee who described such a late deployment as a missed opportunity. The PLT may have been able to engage with individuals and groups before more people arrived, including those bringing the microphones and public address equipment. By the time the PLT got to the bandstand, there was already a large crowd and several people on the bandstand making speeches.

The College of Policing's APP explains how PLTs may be deployed before, during and after events. Their prime function is that of liaison. One consideration in their deployment is that it may help to minimise recourse to the use of force during an event. They can feed information to organisers, groups and the policing operation. We would have expected to see PLT officers deployed earlier.

### **6.00pm: a minute's silence**

Based on video footage and other material, there appeared to be a minute's silence at 6pm on the bandstand. After the minute's silence, a woman (whom we understand to be a local councillor) addressed the crowd from the bandstand announcing that the vigil was over, thanking them for attending and telling them: "We do all now need to disperse obviously peacefully and everything else."

This exhortation was not heeded by everyone. Many people remained.

### **6.30pm: decision to authorise enforcement**

The Gold Commander decided at 6.30pm to authorise enforcement.

The Silver Commander's log states that at 6.30pm a communication was given to Bronze 3 from the Silver Commander:

"Decision to move on to enforcement stage towards those on bandstand as it has turned into a rally with limited or no social distancing. The initial attempts to go through 3 E's [engaging, explaining and encouraging] have been unsuccessful."

Soon after 6.30pm, PLT officers were briefed by Bronze 3 that enforcement would be adopted at the bandstand. They were instructed to move from the bandstand to the periphery, and to tell people that the event was over, and they needed to leave.

Bronze 3 was directed to move to enforcement but to continue to apply the first 3Es. The Silver Commander said to us:

"The style and tone were always around engaging, explaining and encouraging. Just because there was enforcement in one area didn't mean we were doing that with the whole crowd."

The Gold Commander's rationale for authorising enforcement was documented in an email that he sent to the Silver Commander at 6.36pm:

"I am concerned that in last 30 minutes what [was] a mobile and transient people at the bandstand at Clapham Common has now become a growing static gathering with people standing on the bandstand making speeches."

"I am concerned that this is now a gathering which will present a health risk, and it would appear that there are other groups there with placards inc one large flag. The numbers cause me concern in the sense of COVID-19 and the risk to health."

"It is important now that we begin concerted engagement with those present, to make clear that this has now changed from people attending and placing flowers in ones and twos, or household groups coming in leaving flowers and paying respects into a large and growing gathering placing increasing risk to health, and is increasingly wilfully breaching the [All Tiers Regulations]."

"We now need to move to the 4E process, both with those individuals making speeches, and the crowd, to outline that the gathering is in our view contrary to the [All Tiers Regulations], and that they need to disperse, or provide reasonable excuse."

"I have considered the article 10/11 rights, and am clear that the [All Tiers Regulations] were established to keep the whole community safe and to save lives. We must engage and establish if those present have a reasonable excuse, to what is apparently a gathering in breach of the [All Tiers Regulations], but if they do not we must move to explain and encourage them to leave. If they fail to leave then we will move to enforcement action as a last resort."

### **6.31pm: PLT officers make their way through the crowd to get to the bandstand**

With body-worn video that started at 6.31pm, the PLT officers squeezed past people to make progress through the crowd, which was far from being socially distanced. A large ACAB (common acronym for "All Coppers Are Bastards") placard is visible. As the officers stepped onto the raised centre of the bandstand, there were at least three people wearing orange tabards with "Legal Observer" printed on them.

An officer could be seen trying to speak to a group of women at the edge of the bandstand who were facing the crowd and chanting: "[sisters and/or women] united will never be defeated". The women ignore the officer, who can be heard encouraging people to "please go home".

A woman started shouting repeatedly at one of the officers: "How dare you?" She was joined by another woman who shouts: "This is a fucking vigil for a dead woman that you fucking killed."

The officer spent several minutes negotiating with people trying to explain and encourage them to leave and asking them to encourage others to leave. The officer was polite, calm and considered despite repeated provocation.

One officer said to a colleague: “I appreciate it’s really difficult, we need to just keep on trying.” The officers continue to try and encourage people to leave without success.

The Bronze 3 Commander deployed further officers onto the bandstand to bolster numbers and have a greater capacity to employ the 3Es (not including the 4th E of enforcement) as a tactic to reduce the crowd size and density and enforce COVID-19 legislation.

The Silver Commander told us that, when these officers went into the crowd, they met verbal resistance and were prevented from engaging, explaining and encouraging. A small group (thought by the Silver Commander to be Sisters Uncut) was “whipping up” the crowd. He discussed the development with the Gold Commander and explained his rationale for adopting the fourth ‘E’ of enforcement.

The decision to authorise enforcement at this event has been subjected to much public debate, political commentary and media attention. The rationale shows that this decision was not taken lightly and was one made soon after information was relayed from Bronze 3 to the Gold Commander via the Silver Commander that changed the assessment of the event.

The PLT supervisor described how they followed the strategy of ‘engage, explain and encourage’. They tried repeatedly as a team, with a gradually escalating approach involving numerous warnings, to explain that enforcement would follow because people’s lives were being put at risk due to the large, dense crowd and potential spread of the disease. He was met with verbal abuse and people on the bandstand refusing to comply – the abuse and hostility further increased as he explained that enforcement action would be taken if people failed to move away. When enforcement was authorised, he and his team left the bandstand area and continued to engage and encourage the wider crowd to disperse, which in the main they did.

During the tension at the bandstand, the Metropolitan Police used social media messaging to ask people to disperse or go home.

As the PLT left the bandstand, they were replaced by other officers who occupied that space to prevent anyone from using the microphone to make speeches. Their inspector said that, as people took to the bandstand and started shouting, the crowd became more febrile and refused to engage with the officers. He tells of repeated attempts by him and his officers to engage with a group of four people who failed to respond or move away. They were asked to provide their details so that fixed penalties could be issued but, because they did not provide their details, they were subsequently arrested. Once the four people had been arrested and taken away, the crowd started to disperse.

### **Media imagery**

There is no doubt that media coverage and images disseminated on social media laid the foundation for concern over the proportionality of the decisions to make arrests, the use of force and the policing of the event. Our inspection reviewed evidence relating to these arrests including statements, police body-worn video and other footage.

## Summary of conditions on Clapham Common

The following summary describes the conditions in which the officers were working.

On the outskirts of the Common, there were very few people. As officers walked onto the Common, there were a small number of groups walking towards them, leaving the Common.

Within 10 metres of the bandstand, the crowds were dense, noisy and more agitated. It was difficult for people to lay flowers at the bandstand because of the density of the crowd.

There was loud chanting, although the wording changed. People closer to the bandstand were more confrontational with police officers. A small number of people were expressing a strong view that the police presence at the vigil inflamed the situation.

Chants included:

- “Who do you serve? Who do you protect?”
- “Let her go” (referring to one of the arrested women)
- “Arrest your own”
- “Police go home”
- “Shame on you”
- “How many women? How many more?”
- “Her name was Sarah”
- “Where are your flowers? Where’s your candle? Why aren’t you mourning?”
- “Protect our women”

An officer’s statement describes the arrest of a female who was carried back to a police vehicle. When the officers were carrying the detainee, other members of the public circled the police and the detainee and shouted verbal abuse towards the police.

Another statement describes the arrest of an “older male” who was wearing an Extinction Rebellion high-visibility vest. The detainee was carried to the police vehicle after being described as “going floppy”.

One officer gave this account:

“We were heavily outnumbered at this protest. There were only six of us covering the bandstand stairs with a hostile crowd right in front of us. I had limited room to move either forward or back.

I do not feel that we had the right amount of cover or police officers and felt that I was in a dangerous position stood in front of a hostile crowd.

I did fear for my safety as I had no reasonable place to [withdraw] to and only had behind me the bandstand which was completely covered by the hostile crowd.

The crowd was mixed consisting of males and females, some old, some young. A white male aged in his 50s or 60s ... was threatening towards us outside the stairs of the bandstand and I saw him go towards another officer. Whilst stood on the stairs I was made aware that that officer's baton had been taken by a member of the crowd.

This increases the risk as a member of the crowd had a piece of police [equipment] in their possession which they could have used against us. A police baton when used can inflict a serious injury on to someone depending on level of force used.

I also saw what I believe to be a liquid substance thrown in the air whilst stood on the stairs and also heard over the radio that missiles had been thrown at police.

We were heavily outnumbered with nowhere to move to.”

One officer's statement described that, at 7.57pm, they had a very calm discussion with a man who had come on his bike. He said that he knew that the original organisers had cancelled the event but a woman, whom he knew through his work, had “hijacked” the event.

One female officer's statement recorded:

“During the incident, I distinctly remember multiple women coming up to me throughout the incident, wishing I was raped, with one female saying words to the effect of: ‘I hope you get raped, so you know what it's like’. Another woman also said words to the effect of ‘I hope you get murdered and that your face is all over the news once you've been murdered’...”

The officer described being shocked and disgusted but also sad that:

“... women, who were protesting to end violence against women, were then wishing severe/fatal harm come to other women.”

A police supervisor's statement said:

“I could see a Palestine flag on a pole being waved from within the large crowd facing the [bandstand], and could (hear) chanting coming from within them, but couldn't make out what they were saying.”

“... this didn't feel like a vigil, there was a mixed atmosphere. I then saw small pockets of around 8–10 people stood away from the bandstand area in small circles on the grass looking down at lit candles and flowers on the ground. They were clearly having a peaceful, dignified vigil. ...This felt like two events running at the same time, in the same place, with the crowd partaking in a protest whilst people on the outside (were) having a respectful vigil.”

The officer went on to say that, after arrests were made and he walked across the common, several people walking in the opposite direction were abusive and said things like “try not to rape and murder anyone on your way home”.

Police reported being physically assaulted. One statement reported that a constable had been punched in the face by a woman.



Another officer's statement described mixed responses from the crowd to police engagement as some people asked police if they were ashamed at what they were doing: "... others thanked us for being polite and left the area."

A different officer recorded in his statement: "Some of the verbal abuse directed at officers was some of the worst I have come across in my 16 years of policing."

Our review of footage from this period leads us to conclude that these officers' accounts are not exaggerated.

## **Arrests**

The body-worn video from officers who carried out arrests at Clapham Common provides a picture of officers using the 4Es approach and moving to arrest only after giving warnings. Those arrested were taken away to police vehicles parked away from the Common, surrounded by a 'bubble' of police officers. There was abuse directed at officers during these journeys. We saw no evidence of officers retaliating to this abuse. The arresting officers appear to be calm and polite. In some cases, a person wearing a 'Legal Observer' tabard stays with the group, calling advice to the arrested person.

### **Summary of a constable's body-worn video covering one arrest**

A sergeant confirmed at 6.57pm that enforcement was authorised by way of issuing fixed penalty notices (FPNs) if people refused to leave after engaging, explaining and encouraging.

The officer engaged extensively with a lot of people and remained calm when people tried to argue with him. The officer repeatedly asked one person to leave, who replied, "I'm at a protest."

A woman asked the officer if she could ask a question. The officer was dealing with someone and said he would return in two minutes. He did return and had a conversation with her about crime levels for several minutes. The woman thanked him for his time.

At 7.31pm, a sergeant told a police constable that arrests were going to be made in the bandstand so to expect a 'flare-up' in crowd mood.

Officers approached the bandstand. An officer tried to engage with a group but was ignored. The officer asked them to leave and warned them that they would be arrested if they didn't leave. They didn't leave. He took the arm of a person with their back to him and arrested her. Her friends tried to pull her away. Police formed a bubble and escorted her, without handcuffs, to a police carrier.

Following the arrest and throughout the encounter, the officer's conduct was exemplary. He looked after the woman's medical needs and gave her his water bottle when she felt faint. For some time, the woman refused to provide her personal details. It took much persuasion and negotiation with her to provide them. Once they were provided and verified, she was de-arrested. She was notified she would receive an FPN through the post and the process was explained.

## Numbers of arrests and FPNs

Based on the material we reviewed, we have calculated that, during the incident, the following police enforcement activity took place:

- Nine arrests were made (eight for breaches of the All Tiers Regulations, one for an offence under section 5 of the Public Order Act 1986).
- Of the nine people arrested, seven were de-arrested at Clapham Common after they provided their names and addresses.
- Nine FPNs were issued (including eight to people arrested).
- Two of the arrested people were taken into custody: one was given an FPN; the other was released under investigation.

## What changed following enforcement?

It was evident that the arrest of, primarily, women at the bandstand had an influence on the crowd's behaviour.

The mere sight of enforcement action was enough for some people, particularly at the periphery, to decide to leave and not risk enforcement or being drawn into a hostile crowd. Others, also towards the periphery, engaged with the PLT officers and PSU officers, and appeared to have been very receptive to the officers applying the 3Es.

Within minutes, there was a migration away from the bandstand.

We were provided with the update that was recorded at 7.44pm by the chief of staff to the Silver Commander:

“c500 remain refusing to leave. 5 arrests [so] far (believed) plus enforcement actions directing people to leave who have then complied. Crowd was dense enough that officers could not easily move through it, adding to the risk of disease transmission and justification for move to enforcement through 4E approach.”

Over the subsequent 45 minutes, officers continued the 3Es approach and the crowd gradually dispersed. By 8.35pm, the bandstand was clear of police and protesters with only about a hundred people in the vicinity of the bandstand. Police resources were withdrawn.



## 4. Political and legal commentary in the following days

Before and after the vigil, some senior politicians (and lawyers) challenged and/or sought clarification of the legal position, both from the Metropolitan Police and through the media.

### **Radio 4 interview with the Minister for Crime and Policing**

The central problem of the legality of protests and large gatherings during the current lockdown restrictions was also the subject of many media interviews, including a BBC Radio 4 interview with the Minister for Crime and Policing on 15 March 2021.

Interviewer: “Well, let’s be clear, can there be lawful protest in this country, during the coronavirus pandemic. Is it possible?”

Minister: “Well, that’s what it says, that large gatherings and assemblies are illegal. And you understand that the objective here Nick, is the protection of everybody’s health. Look, we recognise the enormous anger, feel it ourselves. And the police are also devastated by the implications of this particular crime. But it speaks to a repressed sense of concern about violence against women and girls, particularly in the streets, but generally in society, and that this was always going to be a difficult moment for everybody. The [HMICFRS inspection] over the next couple of weeks will get to the bottom of what actually happened and the decision making ...”

### **BBC Radio 4 interview with Lord Sumption**

Also, on 15 March 2021, in an interview on BBC Radio 4, Lord Sumption, a former Supreme Court judge, was asked if there could have been an agreement for the vigil for Sarah Everard to have gone ahead safely. He said:

“I don’t see how they could. Whether you call it a demonstration or a vigil or a protest doesn’t make any difference. All of these things are forbidden by the regulations which prevent you from leaving your house, except for certain purposes which do not include congregating with other people in order to make their views on issues like this felt.”

Asked if the police were in an impossible situation, he said:

“Of course they were. They were required to enforce regulations which were brutal in their application to absolutely everything that people want to do together outside their homes. The problem lies in the framing of the regulations ...”

## Views of the Parliamentary Joint Committee on Human Rights

On 17 March 2021, the [Parliamentary Joint Committee on Human Rights \(JCHR\)](#) [published a report](#) calling on the Government to amend the law to make it clear that protest is permitted if conducted in a manner that reduces public health risks. Committee Chair Harriet Harman QC MP said:

“When people have to go to court to establish whether their actions are lawful or criminal, as has happened most recently in the Reclaim These Streets Clapham vigil, it’s clear that the law is in a mess.”

### Vigils in other parts of the country

In addition to all this political and media attention focused primarily on the Clapham vigil, there was interest in the way that the police dealt with other vigils across the country.

On 19 March 2021, it was reported by the Press Association that the Sussex Police chief constable had defended her force’s handling of protests in Brighton following the death of Sarah Everard. Speaking at the performance and accountability meeting, chaired by the Sussex police and crime commissioner, the chief constable said:

“The events at the weekend presented a real wicked problem for policing. We are still in the midst of a global pandemic and during this crisis we have had a role to play in enforcing the Government’s health regulations which are designed to limit the spread of that infection and ultimately save lives.

On the other hand we have people’s right to gather and in ordinary times to express their views through public gatherings and through protest.”

The chief constable said Sussex Police officers had taken no action as people came to pay their respects in Brighton last Saturday (13 March 2021) but had stepped in when the large crowds began to get closer together. She said:

“I absolutely cannot criticise any of my frontline officers for what they did. However, I can completely understand what the perception is and I think it is really important that we do listen and we do understand that perception.

Could we and should we have policed that event differently and more sensitively? On reflection, having listened to all of that feedback, there is a balance that we could have done that and I think it would be wrong of us not to listen to some of those perceptions.”

We established (mainly from news articles) that vigils also took place in Liverpool, Birmingham, Cardiff, Humberside and Nottingham. These appeared to be much smaller affairs that generally went without incident. Because of their apparent scale and character, close comparisons between the policing of these events and Clapham Common would be inadvisable.

Furthermore, other police forces in England and Wales tend not to attract the consistently high levels of national and international attention that the Metropolitan

Police attracts. And they may be less likely to be confronted by charges of inconsistency in the way they approach gatherings and protests.

On 20 March 2021, [the BBC reported](#) that:

“More than 60 MPs and peers have written to the Home Secretary calling for a change in the COVID-19 legislation to allow protests to happen during lockdown.”

On 22 March 2021, various media sources reported that, from 29 March 2021, as part of England’s ‘roadmap out of lockdown’, the Government may alter, suspend or remove measures that in effect allow protest activity to (once again) be permitted as an exception within the regulations.

## 5. Our conclusions

The media coverage of this incident led to what many will conclude was a public relations disaster for the Metropolitan Police. It was on a national and international scale, with a materially adverse effect on public confidence in policing. Many commentators, including some in a position of considerable influence, publicly expressed their concerns. Their comments have reach.

Two weeks later, we have had a better opportunity to gather and evaluate the evidence. We have reflected on all the material we examined. We have heard strongly-held and well-articulated views from interviewees at different levels of seniority, from different backgrounds and with different motivations. The evidence we have collected prompts us to address four fundamental questions about the Metropolitan Police's handling of this event.

### **1. Did the force's desire to maintain consistency justify its stance towards the vigil?**

A dominant feature of the Metropolitan Police's explanation for its approach was the force's wish to be – and to be seen to be – consistent in its approach. As we explained earlier, a desire to maintain consistency cannot obviate the need for the police to take a decision about any individual gathering or proposed gathering on its specific facts. Any policy which adopts a blanket approach to protests, by treating them as automatically unlawful under the All Tiers Regulations, is incompatible with human rights.

Most, but not all, interviewees were generally supportive of the force's emphasis on consistency.

Generally, there are major benefits to society when the police behave consistently and within the spectrum of reasonable decisions open to them in the light of the circumstances of the case. The British policing model is based on public consent (which we expand on later in this report). Police efficiency and effectiveness – the lenses through which we must always look to reach our judgments – are preserved or enhanced when there is public consent to policing. In our reports, we often comment on police legitimacy too: the extent to which the police's behaviour, particularly when enforcing the law, is seen as legitimate in the eyes of the public. Legitimacy, consent to policing and confidence in the police go hand in hand. But public consent is hard-won. It is fragile and may be withdrawn at any time.

It was – and remains – wholly legitimate for the Metropolitan Police to place a high value on preserving public consent and confidence, by behaving legitimately. And it is

consistent with the oath of office, taken by all police officers, which requires them to serve with impartiality.

In the context of the policing of gatherings during lockdown, legitimacy, impartiality and consistency are closely related concepts.

The British people have made extraordinary sacrifices during the pandemic. They have been denied the opportunity to do so many things that would normally be taken for granted. Across the UK, more than 100,000 fixed penalty notices have been issued for breaches of the All Tiers Regulations.

The vigil for Miss Everard was far from the first gathering in London at which the Metropolitan Police took enforcement action during the pandemic. The force provided us with a long list of others. This list appears at Annex A. It reveals a generally low number of arrests and offence reports at most gatherings (and in some cases the absence of any arrests or offence reports). This, we believe, offers some reassurance that a proportionate approach has been adopted by the Metropolitan Police. We learned that, on the same day as the vigil for Miss Everard, there was a vigil in Tottenham for another murder victim. Interviewees told us they policed that event in a similar way but never needed to resort to enforcement – the fourth ‘E’ – as people left the gathering when asked.

Public perceptions of inconsistency at gatherings during lockdown – whether accurate or not – are likely to damage public confidence in policing, and so jeopardise consent to policing. They may also affect public behaviour. Put simply, if people think the police are reticent to enforce the law, they are more likely to break it.

At the time of writing this report, there have been 126,000 COVID-19 related deaths in the UK. Of course, it is impossible to say how many are attributable to infections spread by mass gatherings. In the present public health emergency, mass gatherings that would normally be planned may not be able to happen under the All Tiers Regulations. And when, on the night, a substantial number of people closely congregated around the bandstand and began shouting or chanting, it was justifiable to adopt the view that the risks of virus transmission were too great for the police to ignore.

There will be those who take the view that the circumstances surrounding Sarah Everard’s death were so extraordinary that they should have prompted the police to behave differently – in particular, to stop short of making arrests. The All Tiers Regulations empower police to take such enforcement action as is ‘necessary’ to enforce Tier 4 restrictions, which includes but does not mandate arrests.

Indeed, the circumstances and the strength of feeling that led to the vigil marked this event above most others as one where the police should be particularly alive to the need to exercise their discretion carefully, with reference to the particular circumstances.

The Metropolitan Police has been clear that there was not – and could not be – a blanket ban on protest. It must follow that it was possible that at some point, somewhere a gathering could be allowed to take place. This requires the police to evaluate a range of factors including whether and what risk assessments have been

conducted, whether social distancing will be maintained, and what other measures may assist in managing the risk to public health.

While this evaluative judgment categorically does not require (or indeed permit) the Metropolitan Police to take on the role of adjudicating on the merits of the cause behind each gathering, there remains a risk that that is what the public will perceive the police to be doing if one gathering is permitted and another is not. Such a role is not compatible with impartial policing.

Public opinion may be a guide to understanding whether a particular event is regarded widely as of vital importance. In this case, events had moved quickly over a few days, giving little opportunity to arrive at a settled view regarding public attitudes. A [snap YouGov survey](#) conducted within 48 hours of the vigil suggested that 40 percent of people thought that the Metropolitan Police should have allowed the event to go ahead as the organisers planned, with 43 percent taking the opposite view.

Given that the fundamental right to protest remains in force even during the pandemic, it is entirely reasonable to put forward the view that a vigil on Clapham Common could legally have taken place. The competing arguments on this question have been made with vigour from both perspectives, as would be expected in a democratic society.

As inspectors of constabulary, our role is to offer our independent judgment on the actions of the police in this case. With strong arguments on both sides, we are satisfied that – on balance – the Metropolitan Police acted appropriately in taking as its starting point the desire to achieve consistency in the policing of mass gatherings during lockdown. But in order to adopt a lawful approach it was essential for the Metropolitan Police to go beyond that starting point and to consider the specific facts regarding the events planned for 13 March 2021 and then the events as they unfolded on the day. It is our conclusion that the thought processes and actions of the Metropolitan Police satisfied this requirement.

## **2. Should the force have done more work with Reclaim These Streets organisers or Lambeth Council to plan the vigil, particularly after the court case?**

In the light of our conclusion concerning the arguments in favour of consistency, we turned to this question. Some Lambeth-based police officers appear to have adopted a more receptive stance to the idea of a vigil as proposed by RTS, before the involvement of the Directorate of Legal Services and more senior personnel from New Scotland Yard. It is important to emphasise that we do not judge the latter groups as unreceptive, un-cooperative or insensitive. They believed they were faithfully pursuing a policy of consistency, which – for the reasons set out above – we broadly support.

Nevertheless, for some of our interviewees, this perceived difference in approach was a source of considerable frustration.

Any discussion about whether the vigil could have been planned and conducted in a manner less likely to breach the All Tiers Regulations and minimise the risk of virus transmission necessarily involves a degree of speculation. We have concluded that there were three principal reasons why planning a more ‘COVID-friendly’ event was not a realistic option.

The first relates to the number of people anticipated to attend. As many public order policing events have shown in recent years, the power of social media in mobilising large numbers of people is very substantial. By lunchtime on the Friday, the police knew that 6,000 people had shown an interest in attending. Clapham Common covers about 89 hectares (220 acres). From a theoretical viewpoint at least, it could comfortably accommodate a large number of people while allowing for social distancing. However, the bigger the 'spread' of people, the greater the resource requirement for crowd control purposes would be. And, in any case, the bandstand had been identified as a focal point to which people would be drawn.

The second relates to the limited time available for the planning. Understandably, all the parties wished to await the High Court's decision. In the event, the Judgment wasn't available until the evening of Friday 12 March. That left less than 24 hours to plan the event. In any case, soon after the Judgment emerged, the RTS organisers, very understandably, gave up on their proposal to hold a vigil.

The third reason, which we consider to be the most compelling, is that the planning would have needed to involve some assumptions about the nature of the gathering and the intentions of those who would be there. By Friday 12 March, the police had intelligence that Sisters Uncut had shown an interest and were likely to attend the vigil. It is not uncommon for gatherings to attract those who protest for various causes. Such groups can present significant problems for the police. Any planning assumptions would sensibly have needed to allow for civil disobedience and a failure to observe social distancing.

In this particular case – while recognising that the event was conceived as a vigil for Sarah Everard – the principal cause for protest was the promotion of societal improvements in women's safety. However, it was clearly attended by those with other causes in mind.

### **3. Were police actions at the event proportionate?**

The strategy and planning for policing the vigil had at its heart the 4Es approach, with the option of enforcement held in reserve to be used as a last resort. From our inspection, the evidence is clear that the officers on duty at Clapham Common did their level best to peacefully disperse the crowd and took such action only at the point in time where the numbers of those present and the public health risks were such that the crowd could not safely be permitted to remain in place. We viewed hours of body-worn video footage and heard officers patiently pleading with people to go home. It was clear that officers were explaining and encouraging people to leave. Officers were reluctant to enforce the All Tiers Regulations, even when the crowd grew larger and more tightly-packed. Indeed, we would not have been surprised, having viewed the footage, to find that rather more fixed penalty notices had been issued, or arrests made. Our conclusion was that police officers remained calm and professional when being subjected to some extreme and abhorrent abuse.

There is clear evidence that the police at Clapham Common made sincere attempts to communicate with the crowds. In many cases, the use of engage, explain and encourage – the first 3Es – was enough and most of the crowd dispersed.



When the decision to ‘move to enforcement’ was made, our review found nothing to suggest that officers acted inappropriately or in a heavy-handed manner. In fact, we found evidence of patience and professionalism during engagement prior to, during and after arrest. Those arrested were led away, flanked by police officers to provide a protective bubble from the crowd. Twelve public complaints have been made. Police received 463 messages of praise and 181 messages of criticism.

Our inspection has led us to conclude that police officers at Clapham Common worked, in sometimes challenging circumstances, to maintain public safety and keep the peace. Unlike the public, who chose to be there, the police were there because they serve to keep us safe.

#### **4. What factors contributed to this event?**

If it is accepted that public confidence in the Metropolitan Police suffered as a result of the vigil – and it is our view that it did – then there are four contributory factors.

The first is (some) decisions taken by the Metropolitan Police on the day of the vigil. Our conclusions are laid out above. We have made minor criticisms of some procedures on the day. However, these seem to lie within the bounds of what might normally go well, or less well, on any of the public order events police deal with on a regular basis. They had very little influence on the conduct of the vigil.

There is no doubt that the Metropolitan Police were alive to the possibility of having to enforce the law at Clapham Common. Indeed, the force had taken some care to ensure that the Home Office, the Mayor’s office and other parties were prepared for that eventuality, while stressing that such an outcome would be avoided if possible. We observe, however – and with the acknowledged benefit of hindsight – that the Metropolitan Police’s case for its officers’ actions at Clapham Common made little impression when set against the impact of the images of women under arrest that were rapidly shared on social media. To protest that Twitter should not drive press and broadcast coverage of an event is as futile as to complain about the weather. In this social media age, police forces need to find ways to make their perspective count early. We heard the Metropolitan Police’s response to events described as ‘tone deaf’; we acknowledge that a more conciliatory response might have served the force’s interests better.

The second factor concerns the nature and complexity of the law. The All Tiers Regulations are controversial. That alone is problematic for the police. Furthermore, the police have to consider the relationship between the All Tiers Regulations and human rights law. Theoretically at least, the relationship is relatively straightforward. But matters are rarely that simple in practice.

Increasingly, senior police officers are required to demonstrate an advanced understanding of human rights law. Where police officers are faced with making finely-balanced decisions in difficult circumstances, it is essential that the law is clear. It is incumbent on the legislature to provide a set of rules that is (first) readily capable of being accurately interpreted and applied and (second) likely to attract a high degree of public acceptance and consent.

The third factor is the behaviour of those attending the vigil after 6.00 pm. Our evidence shows that the vast majority of those attending behaved in a way that was dignified and respectful. Any engagement they had with police officers attending was friendly and co-operative. However, as is frequently the case, the peaceful and reasonable intent of the many was overshadowed by the malign actions of a few. Although not remotely comparable with the violence of some protests – including some in the days since the Clapham Common vigil – there was still a degree of aggression, rancour and animosity directed towards officers.

Police officers are ordinary men and women doing their jobs. They are citizens in uniform, part of the community. Just as much as their fellow citizens, they are entitled to be treated with decency. They are expected to act with restraint when faced with severe provocation. Many would argue that such restraint is too rarely seen among a small minority of protesters apparently prepared to hurl abuse at officers who are seeking to uphold the law.

Fourth, the chorus of those condemning the Metropolitan Police, and calling for the resignation of the Commissioner, within hours of the arrests – and presumably, with a very limited understanding of what had happened – was unwarranted. Whereas a certain degree of uninformed commentary, particularly on social media, is inevitable, in this case some of the leading voices were those in positions of some responsibility. It is one thing – as in the case of the Home Secretary – to recognise that the scenes were worrying or upsetting (and to order an inspection such as this). It is another to jump to conclusions – and in doing so, undermine public confidence in policing – based on very limited evidence.

To do so shows a distinct lack of respect for public servants facing, as we have described, a sensitive and complex situation.

## 6. The principle of policing by consent

In the UK, policing by consent is not an empty catchphrase: it is an essential reality. Among many countries, the UK is unusual. The police are not the coercive arm of an oppressive and authoritarian government, established and operated to create and maintain public obedience through fear. They are not the agents of the executive government at all. They are us: our fellow citizens, citizens in uniform, charged with preventing crime and disorder and enforcing the criminal law established by or under the authority of Parliament and the courts.

### Peelian principles

When Parliament established the Metropolitan Police in 1829, the first Commissioners issued general instructions – which have become known as the principles of the then Home Secretary Sir Robert Peel – laying down a number of essential principles which hold as good today as they did then. They apply to all policing and have enduring relevance and significance. Among them are:

- the need to recognise the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect;
- the requirement to seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to the law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws; and
- the maintenance at all times of a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to the duties which are incumbent on every citizen in the interests of community welfare and existence.

Public consent is a broad concept. It does not mean individuals' optional and voluntary compliance with laws; that would be a recipe for anarchy. It is founded and dependent upon impartiality in the encouragement of the public to obey laws established by due process in a democratic society, and the judicious enforcement of those laws in cases where people break them.

In doing so, the police are often required to endure significant degrees of provocation, including insults, open defiance, and violence. These require of police officers considerable degrees of professional restraint, restraint which many other people would find impossible.

When the criminal law – established under democratic authority for common protection – is being broken, and explanation, encouragement and exhortation have failed, public toleration of flagrant violations must diminish. Constables have discretion in relation to how they handle such law-breaking, and in many cases of minor violations the better approach can be admonition and warning. But when things escalate, and conspicuous defiance, with physical resistance, come into play, it is not the constable's duty to withdraw. Toleration and restraint have their own limits; the obligation to enforce the laws established by and for the community, through lawful means, intensifies.

The Peelian principles emphasise impartiality, and that is what the police must always show by their actions. The criminal law is established by the community for the community.

## Annex A – Summary of major London protests

The summary below has been provided by the Metropolitan Police. It details the major protests that took place in London between March 2020 and March 2021, together with the relevant regulations in force at the time of these protests. We have not verified the Metropolitan Police’s description of the restrictions or the associated data. References to ‘reports’ are references to people reported for offences.

Date	Event	Arrests and reports
26 March 2020	First COVID Regulations <ul style="list-style-type: none"> <li>• Cannot leave home without reasonable excuse</li> <li>• Public gatherings in excess of 2 people prohibited</li> </ul>	N/A
9 May 2020	Anti-lockdown protest	1 arrest 22 reported
13 May 2020	2nd Amendment to Regulations <ul style="list-style-type: none"> <li>• Cannot leave home without reasonable excuse (some additional exemptions included)</li> <li>• Public gatherings in excess of 2 people still prohibited</li> </ul>	N/A
16 May 2020	Anti-lockdown protest	19 arrests 6 reported
23 May 2020	Anti-lockdown protest	2 reported
30 May 2020	Anti-lockdown protest	7 arrests
30 May 2020	Extinction Rebellion protest	7 arrests 15 reported
31 May 2020	Anti-lockdown protest	No arrests
31 May 2020	Black Lives Matter protest	23 arrests

<b>Date</b>	<b>Event</b>	<b>Arrests and reports</b>
1 June 2020	3rd Amendment to Regulations <ul style="list-style-type: none"> <li>Removes prohibition on movement but bans overnight stays at another's house</li> <li>Public gatherings in excess of 6 people prohibited (subject to exemptions)</li> </ul>	N/A
1 June 2020	Anti-Lockdown protest	No arrests 1 reported
1 June 2020	Black Lives Matter protest	7 arrests
3 June 2020	Black Lives Matter protest	13 arrests
6 June 2020	Black Lives Matter protest	29 arrests
7 June 2020	Black Lives Matter protest	28 arrests
13 June 2020	4th Amendment to Regulations <ul style="list-style-type: none"> <li>Concept of linked households (aka 'support bubbles') apply to gatherings</li> <li>Public gatherings in excess of 6 people remain prohibited (subject to exemptions)</li> </ul>	N/A
13 June 2020	Black Lives Matter protest and counter protest	129 arrests
4 July 2020	Second COVID Regulations <ul style="list-style-type: none"> <li>Public gatherings in excess of 30 people prohibited (subject to a much broader list of exemptions)</li> <li>Introduced exemption for 'political body' subject to risk assessment</li> <li>Concept of linked households remains</li> </ul>	N/A
25 July 2020	Beyond Politics protest	No arrests
28 August 2020	Second Regulations – 2nd amendment <ul style="list-style-type: none"> <li>Public gatherings in excess of 30 people prohibited (subject to a much broader list of exemptions)</li> <li>Organisation/ facilitation offence created to include a fixed £10,000 fine for persons who 'hold or are involved in holding' a non-exempt gathering of 30 people or more</li> <li>Concept of 'political body' remains an exemption subject to 'risk assessment clauses'</li> </ul>	N/A
28 August 2020	Extinction Rebellion protest	6 arrests
29 August 2020	Anti-lockdown protest	1 arrest

<b>Date</b>	<b>Event</b>	<b>Arrests and reports</b>
30 August 2020	Unlicensed music event	4 arrests
31 August 2020	Extinction Rebellion protests	3 arrests
1–10 September 2020	Extinction Rebellion protests	671 arrests 41 reported
5 September 2020	Anti-lockdown protest	3 arrests 2 reported
5 September 2020	Ivory Coast protests	3 reported
10 September 2020	Ethiopian Embassy protest	16 arrests
14 September 2020	Second Regulations – 3rd amendment <ul style="list-style-type: none"> <li>• Public gatherings in excess of 6 people prohibited ('rule of six')</li> <li>• Concept of 'qualifying groups' apply to larger gatherings where groups of 6 or fewer (or larger if part of a linked household) can attend larger gatherings so long as they do not 'mingle' with other groups</li> <li>• Offences for organisation, facilitation and participation in gatherings remain</li> <li>• Protest is a specified exemption subject to the 'risk assessment clauses'</li> </ul>	N/A
19 September 2020	Anti-lockdown protest	34 arrests
23 September 2020	Anti-lockdown protest	1 arrest
26 September 2020	Anti-lockdown protest	15 arrests 7 reported
4 October 2020	Punjabi farmers protest	1 reported
10 October 2020	Anti-lockdown protest	2 arrests



<b>Date</b>	<b>Event</b>	<b>Arrests and reports</b>
14 October 2020	Local COVID alert levels – medium <ul style="list-style-type: none"> <li>• Law regarding public gatherings remains substantially the same</li> <li>• Protests remain subject to ‘risk assessment clauses’</li> </ul>	N/A
17 October 2020	Local COVID alert levels – high <ul style="list-style-type: none"> <li>• Law regarding public gatherings remains substantially the same</li> <li>• Protests remain subject to ‘risk assessment clauses’</li> </ul>	N/A
24 October 2020	Anti-lockdown protest	18 arrests
30 October 2020	French cartoon protest	3 reported
31 October 2020	Unlicensed music event	7 arrests
31 October 2020	Extinction Rebellion	2 arrests 1 reported
1 November 2020	Hatun Tash protest	1 arrest 2 reported
5 November 2020	Fourth Regulations <ul style="list-style-type: none"> <li>• Public gatherings of more than 2 prohibited (subject to exemptions)</li> <li>• Indoor gatherings banned (subject to exemptions)</li> <li>• Protest removed as an express exemption</li> </ul>	N/A
5 November 2020	Million masked/anti-lockdown protest	147 arrests 33 reported
7 November 2020	Julian Assange protest	4 arrests 1 reported
11 November 2020	Armistice Day protest	3 arrests
21 November 2020	Anti-lockdown protest	3 arrests
24 November 2020	Anti-vax protest	4 arrests 2 reported

<b>Date</b>	<b>Event</b>	<b>Arrests and reports</b>
28 November 2020	Anti-lockdown protest	143 arrests 28 reported
2 December 2020	All Tier Regulations – Tier 2 <ul style="list-style-type: none"> <li>Public gatherings of more than 6 prohibited (subject to exemptions)</li> <li>Protest a specific exemption subject to the ‘risk assessment clauses’</li> </ul>	N/A
6 December 2020	Punjabi farmers protest	11 arrests
12 December 2020	Save the Children protest	1 reported
14 December 2020	Anti-lockdown protest	13 arrests 2 reported
16 December 2020	All Tier Regulations – Tier 3 <ul style="list-style-type: none"> <li>Public gatherings of more than 6 prohibited (subject to exemptions)</li> <li>Protest a specific exemption subject to the ‘risk assessment clauses’</li> </ul>	N/A
19 December 2020	Anti-lockdown protests	19 arrests 22 reported
21 December 2020	All Tier Regulations – Tier 4 <ul style="list-style-type: none"> <li>Cannot leave home without reasonable excuse</li> <li>Public gatherings of more than 2 prohibited (subject to exemptions)</li> <li>Protest removed as a specific exemption</li> </ul>	N/A
21 December 2020	Julian Assange protest	2 reported
23 December 2020	Supreme Court protest	1 reported
31 December 2020	Anti-lockdown protest/New Year’s Eve party	1 arrest 4 reported
1 January 2021	Anti-lockdown protest	3 reported

<b>Date</b>	<b>Event</b>	<b>Arrests and reports</b>
2 January 2021	Anti-lockdown protest	22 arrests 5 reported
4 January 2021	Anti-lockdown protest	1 reported
5 January 2021	NHS food protests	1 reported
6 January 2021	All Tier Regulations – Tier 4 amendment <ul style="list-style-type: none"> <li>• Regulations for public gatherings remain substantially the same</li> <li>• Reduction in certain exemptions for being outside your dwelling</li> </ul>	N/A
6 January 2021	Anti-lockdown protest	36 arrests 7 reported
9 January 2021	Anti-lockdown protest	No arrests 16 reported
11 January 2021	Anti-lockdown protest	8 arrests 3 reported
16 January 2021	Anti-lockdown protest	8 arrests 1 reported
18 January 2021	Brexit protest	7 reported
26 January 2021	Anti-lockdown protest	3 arrests 37 reported
27–31 January 2021	HS2 protest	18 arrests 9 reported
1–28 February 2021	HS2 protest	35 arrests 8 reported
13 February 2021	Mayoral campaign protest	3 reported
20 February 2021	Mayoral campaign protest	1 arrest 1 reported
27 February 2021	Anti-lockdown protest	2 arrests 2 reported
6 March 2021	Anti-lockdown protest	14 arrests 7 reported
13 March 2021	Clapham Common vigil/protest	4 arrests 4 reported NOTE: HMICFRS data shows 9 arrests

<b>Date</b>	<b>Event</b>	<b>Arrests and reports</b>
14 March 2021	Violence Against Women and Children protest	No arrests No reports
15 March 2021	Kill the Bill protest	5 arrests
16 March 2021	Kill the Bill protest	2 arrests
20 March 2021	Anti-lockdown protest	35 arrests

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