Have you got what it takes?

Dealing with public order

Home Office

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Important facts

Peaceful protest is a vital part of a democratic society.

It is a long-standing tradition in this country that people are free to gather together and to demonstrate their views (even if some people may be uncomfortable with these views) as long as they do so within the law.

There is, of course, a balance to be struck. We need to balance the rights of those protesting with the rights of others to go about their business without fear of intimidation or serious disruption to the community.

Rights to peaceful protest do not include violent behaviour or threatening behaviour and the police have powers to deal with these acts.

The rights to peaceful protest are contained in Article 10 (right to freedom of expression) and Article 11 (right to freedom of peaceful assembly and to freedom of association) of the European Convention on Human Rights.

Background

The Strategic Policing Requirement

Public order is listed as one of the five main threat areas in the Strategic Policing Requirement. This sets out national arrangements to protect the public. PCCs and chief constables must 'have regard to' (take account of) them, making sure that their police force provide an effective contribution, alongside those of other partners.

Role of the police

The police have a duty to maintain security while enabling peaceful protests to go ahead. When policing protests, the police must act within the law. If police use force, this is governed by section 3 of the Criminal Law Act 1967, which allows the use of reasonable force to prevent crime, or to arrest or help to arrest suspects.

Decisions on arrests are an operational matter for the police. This is in line with their duties to keep the peace, to protect communities, and to prevent offences, working within the legal framework set by Parliament.

The police have a duty to investigate all incidents of crime and, following advice from the Crown Prosecution Service (CPS), to decide whether an offence should be prosecuted under the relevant laws.

The police have common-law powers of arrest if they believe that a breach of the peace is about to take place, or has taken place.

Conditions on demonstrations

How demonstrations are managed is an operational matter for the police. Under the Public Order Act 1986 chief officers may place conditions on assemblies and public processions to prevent serious public disorder, serious damage to property, or serious disruption to the life of the community.

The directions can relate to how long the procession will take, where it takes place and the size of any demonstration. If police assess that a march will cause serious public disorder despite conditions being set, they can ask the Home Secretary's permission to ban the march under section 13 of the Act.

More information

Do the police have powers to ban marches?

A march or procession can only be banned if the police consider that it would result in serious public disorder and that placing restrictions or conditions on it would not prevent the disorder.

The local authority would have to support the police's decision, and this decision needs the consent of the Home Secretary.

The police will act where laws are broken and have a range of powers to deal with any criminal activity that takes place at a demonstration.

Static demonstrations (where the protestors stay in one place) cannot be banned, although conditions can be placed on them.

What can the police do about extremist groups?

People are free to gather together and to demonstrate their views, as long as they do so within the law. Equally, people have a right to be free to carry out their lawful business without fear of intimidation and violence. Violent activity cannot be seen as a legitimate form of protest. The police and the courts have the powers to deal with people who take part in these activities.

Is public order policing just about protests and demonstrations?

No. Public order policing also covers policing large crowds, for example, at football matches, festivals and other large outdoor events. Just as the police work with the protestors and other partners, policing large crowds is also partnership based, working with event organisers, stadium safety officers and supporters' clubs.

Section 25 of the Police Act 1996 gives the police the legal power to charge for being at a commercial event, such as a football match, concert or festival. Individual police forces decide whether a charge will be made and will negotiate the amount with the event organiser. The Home Office and the Association of Chief Police Officers (ACPO) have issued joint guidance on police charging. We are currently reviewing the issue of police charging and we expect to hold a consultation on the issue over the summer.

What have the Home Office and the police done to respond to the August 2011 disorders?

Her Majesty's Inspectorate of Constabulary (HMIC) has put together reviews on the policing of public order. The first, 'Adapting to Protest', was in response to the G20 protests in April 2009. Two further reports followed. All are focused on how public order policing and using police tactics may affect human rights.

In response to the August disorders of 2011, HMIC were asked by the Home Secretary to review the national policing response. HMIC's report Rules of Engagement: A review of the August 2011 disorders was published in December 2011. The report made four main recommendations.

1   There should be a national framework for resolving public disorder.

2   There should be a clear understanding of the police resources needed to deal with public order and a plan for how to use them.

3   There should be a review of public order policing tactics.

4   There should be an analysis of national training approaches and content.

We are working with ACPO to put these recommendations into practice.

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Clarity approved by
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