

**Meeting 12 March 2021 13:00 – 15:00**

**Members attending:**

John Scott QC, Solicitor Advocate (Chair)

Bruce Adamson, CYPCS

Aamer Anwar, Solicitor and Human Rights campaigner

Ephraim Borowski, Chair of the National Independent Strategic Advisory Group

Tressa Burke, CEO Glasgow Disability Alliance

Maria Galli, CYPCS

Gill Imery, HM Chief Inspector of Constabulary in Scotland (HMICS)

CS Linda Jones, Police Scotland

Dr Elizabeth Kelly, Associate Carnegie UK Trust

Naomi McAuliffe, Programme Director Scotland, Amnesty International

Professor Susan McVie, University of Edinburgh

Diego Quiroz, Scottish Human Rights Commission

ACC Gary Ritchie, Police Scotland

Dr Catriona Stewart, SWAN Scotland

**Attending for item 3:**

Chief Superintendent Sean Scott

Chief Superintendent Mark Sutherland

Chief Superintendent Conrad Trickett

**Apologies:**

DCC Will Kerr, Police Scotland

John Logue, Deputy Crown Agent Operational Support, COPFS

Barry Sillers, Deputy Chief Executive, Strategy and Performance, SPA

**Secretariat:**

Jennifer Blackwood, SPA

Eleanor Gaw, SPA

Fiona Miller, SPA

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### **1. Welcome and introductions**

The Chair welcomed Chief Supt. Mark Sutherland and Chief Supt. Sean Scott, and Chief Supt. Conrad Trickett joining at 1.30 pm for agenda item 3; and Clare Hicks, Deputy Director, Police Division, Scottish Government attending as an observer.

He informed members that this was Fiona Miller's last meeting as part of the secretariat team, and thanked her for her support for the work of the group.

### **2. Note of the previous meeting and matters arising**

The Chair briefed members that, following discussions with the Chief Constable and SPA Chair, he had agreed that the group consider more fully the policing of public gatherings following the Rangers championship win, and associated human rights considerations. These would be discussed at today's meeting, and again on Friday 19 March, and a related letter prepared for the SPA Chair on behalf of the group.

The Chair indicated that the IAG will in future agree and issue its own press statement alongside any reports.

The weekly data update will be circulated to members on receipt. The chair indicated that, from OpTICAL discussions, FPNs relating to travel breaches and outdoor breaches of regulations had increased slightly during the previous week.

G. Imery directed members to Chapter 6 of the HMICFRS Report - Getting the balance right? An inspection of how effectively the police deal with protests, which had been circulated to the group. Chapter 6 includes consideration of the impact on proposed changes in Scotland. It was noted that discussions are underway at Government level, to consider the potential for Scotland to continue to take a different approach.

Aamer Anwar welcomed the potential for a divergent approach, and highlighted the importance of this issue and policing processes, with particular reference to COP 26.

All other matters will be covered in the agenda.

### **3. Local Policing Perspectives**

#### **a) Public gatherings and public order policing**

Chief Superintendent Mark Sutherland presented to members on Public Order and Public Safety Policing.

The presentation outlined the key considerations for public order and public safety policing from the perspective and training of a Gold Commander. This covered principles around assessing threat and risk, lawful objectives around any use of force, human rights considerations including the principle of proportionality, assessing the potential impact of police intervention and tactics, the use of the 4Es approach and style of policing, and the importance of minimising risk and harm.

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CS Sutherland explained to members that the policing approach and tactics utilised are graduated in response to the dynamics and behaviour of a crowd. The disorder model was referenced and in this particular set of circumstances it was the belief of CS Sutherland that a more heavy handed approach would likely have led to serious violence and disorder.

He referenced the influence of the work of Professor Cliff Stott, and evidence that heavy handed policing can provoke crowd conflict.

ACC Ritchie indicated that Police Scotland Executive understood the challenges faced in Glasgow over the weekend, the proportionality of action taken, and the decision making approach based on public order principles and minimising risk and harm.

Members discussed related issues, including apparent differences in policing a range of demonstrations during the period of the pandemic such as Black Lives Matter events, and anti-lockdown protests, and how this impacts on public perceptions of fairness.

CS Sutherland explained that consistency came from the application of training which accurately assessed threat and risk and resulted in proportionate policing of each event.

Members were, overall, supportive of the approach policing had taken to minimise risk. It was agreed, however, that there is a need for additional consideration of public communication, to build public understanding of why decisions are made, and the approaches used by Police Scotland to minimise risk and ensure public safety.

D. Quiroz highlighted that effective communication is also an important element in the human rights impact assessment process.

The role of football clubs in ensuring proactive and responsible messaging to reach their supporters, was emphasised. Police Scotland had been disappointed at the lack of any messaging from Rangers Football Club to encourage supporters to celebrate at home. It was suggested that local authorities and politicians may also be able to assist in communicating key public safety messages.

The group discussed tensions between public order policing, and policing to support the public health response. Future demonstrations, such as planned events around "Reclaim the Streets" in Glasgow and Edinburgh, were noted. Some group members are actively involved in promoting alternative online means of protest during the pandemic.

It was agreed to invite Professor Cliff Stott to attend the next group meeting, to discuss public order policing and recent events.

**Action:** S. McVie/ Secretariat

The Chair indicated he will put a message out on twitter to indicate that the group has started discussing these events. Further discussion is scheduled for next week, to be followed up by a letter to the SPA chair.

### **b) Local perspectives**

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CS Trickett outlined the challenges experienced in Highlands and Islands division related to policing of the pandemic. There has been very limited demand in the area linked to public gatherings. There are high levels of public adherence, high levels of reporting of breaches, and high public expectations that the police respond to any breaches of regulations. There tends to be greater public and stakeholder expectation of more rapid progress through the 4 Es to enforcement, rather than much local perception that police enforcement is disproportionate or heavy handed.

Where police have been called locally to house parties because of Covid-19 regulations, often the police would have also been called to attend in more normal circumstances, due to concerns about anti-social behaviour or other offences.

He noted a number of incidents, some quite high profile, where people in breach of regulations have had to be rescued when out hill climbing, and the ongoing challenges for police around breaches of travel regulations by people coming into the area.

The Chair thanked the divisional commanders for their input.

### **4. Data Update**

The weekly data report will be circulated to members shortly. Feedback from the IAG public mailbox relating to gatherings in Glasgow weekend 10 and 11 March, has been circulated to members.

Citizen Space Public Portal – an additional 7 responses have been received over the course of the week.

Discussions are underway between Professor McVie, the secretariat, and postgraduate students to take forward more detailed analysis of the Public Portal comments.

### **5. AOCB**

CYPCS briefed the group that Scotland was now the first part of the UK to vote to enshrine the UNCRC into domestic law, after the Scottish Parliament passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill.

N. McAuliffe highlighted legislation about to be passed at UK government level, with significant implications for people's right to public protest.

#### **Future meetings**

Members agreed to reschedule attendance by John Wadham, to allow the 19 March meeting to focus on policing of public gatherings and recent events. The Chair will contact John Wadham, and the secretariat will follow up to rearrange attendance.

**Action:** Chair/ Secretariat

ACC Speirs and Supt Joyce Greenhorn are attending on the 19 March, to offer a perspective from the National Silver Group.

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**Date of next meeting**

Friday 19 March 2021 – 13:00 – 15:00

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