



# Home Affairs Committee

## Oral evidence: Policing of public protest, HC 1372

Wednesday 17 May 2023

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Members present: Dame Diana Johnson (Chair); Lee Anderson; James Daly; Simon Fell; Carolyn Harris; Marco Longhi; Tim Loughton; Alison Thewliss.

Joint Committee on Human Rights member also present: Joanna Cherry.

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### Witnesses

**I:** Matt Twist, Temporary Assistant Commissioner, Met Operations, Metropolitan Police Service; Chief Constable Chris Noble, Protest Lead, National Police Chiefs' Council.

**II:** Graham Smith, Chief Executive, Republic; Adam Wagner, Barrister, Doughty Street Chambers; Suzie Melvin, Night Stars Volunteer, Westminster City Council.



## Examination of witnesses

Witnesses: Matt Twist and Chris Noble.

**Q1 Chair:** Good morning, everybody. Welcome to the Home Affairs Committee one-off session on the policing of the coronation. Specifically, we want to look today at the provisions in the Public Order Act 2023 that were used on the day. Can I also welcome the chair of the Joint Committee on Human Rights, who is guesting with us today, Joanna Cherry?

To start off with, we recognise on the Committee the huge challenge that the coronation presented. Golden Orb was one of the largest operations in the history of the Met. It is to its credit that it kept everybody safe and without major incidents. However, we have a series of questions about the policing of protests at the coronation. We have two panels this morning. The first panel is with the Metropolitan Police and the National Police Chiefs' Council representative. In the second panel, we are going to hear from those who were arrested and detained, plus a lawyer with extensive experience in the area. Could I ask our first panel to introduce themselves?

**Matt Twist:** Good morning. My name is Matt Twist. I am the assistant commissioner for Met Operations.

**Chris Noble:** Good morning. I am Chris Noble, chief constable of Staffordshire Police, but for the purposes of this hearing at least, I am also the national policing lead around the policing of protest.

**Q2 Chair:** We are quite short on time and we have quite a lot of members who want to ask questions, so if you could be brief in your answers that would be helpful. Could I implore members of the Committee as well to be fairly succinct in their questioning? That would be good. Did the Metropolitan Police feel under any political pressure to police the coronation in a certain way?

**Matt Twist:** No.

**Chair:** No, okay, not at all.

**Matt Twist:** As is the case with any policing operation, the first thing to say is that we would rigorously guard our operational independence, which is critically important. We police the laws as they are set without fear or favour. That has always been the case. It is clear in the case of protests that there are strongly held and differing views in public, on social media and across politics as to what is and is not right.

Our objective is very much to police the laws as they are set, without fear or favour. I was grateful to you, Chair, at the start for highlighting just how enormous the operation was. The coronation of His Majesty King Charles and Queen Camilla was a historic moment of huge national significance. We are proud to have successfully ensured that it was delivered safely and in a secure way, despite the most challenging,



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fast-moving and complex policing picture that we have ever encountered for a national celebration.

Q3 **Chair:** Were you surprised that the Home Office police powers unit wrote to organisations such as Republic on 27 April, setting out the new provisions within the Public Order Act that were due to come into force? Were you surprised by that?

**Matt Twist:** That was not something that I was familiar with at the time. Chris might have some knowledge of the letter. I do not think that it is completely unusual.

Q4 **Chair:** Has it happened before in other cases?

**Chris Noble:** We were not aware of it from a policing point of view, so the detail and the motive ultimately is one for the Home Office and Home Office officials to speak to. The time between Royal Assent and commencement of the PCSC Act was compressed. My understanding is that letters were sent out previously for that previous piece of legislation.

Q5 **Chair:** You are saying that they were sent out previously on that piece of legislation.

**Chris Noble:** On the PCSC Act, I think there were maybe 14 days between Royal Assent and commencement for one element of that legislation to come into place. I believe that letters were sent out because of that compressed timescale. I think that that has been replicated on this occasion for the Public Order Act.

Q6 **Chair:** There was a view that those letters could be seen as intimidatory.

**Matt Twist:** As I said, I am not familiar with the letters. That would have to be addressed to the Home Office.

Q7 **Chair:** When I asked the Minister about it, he kind of said that he had not signed the letter. He did not seem to know very much about it either.

**Matt Twist:** On that point I cannot help any further, I am afraid.

Q8 **Joanna Cherry:** Assistant Commissioner Twist, why do you think it was reported in the newspapers that a senior Met source said that political pressure had come from above?

**Matt Twist:** Honestly, I have no idea. I cannot comment on anonymous sources that were reported in the newspapers without any detail. From my point of view, I felt under no pressure politically. I felt pressure to deliver a safe and secure operation, but that was because of the fact that it was a once-in-a-lifetime event for so many people and there would be hundreds of thousands of people in London to celebrate it.

Also, and importantly, this was the biggest protection operation we have ever run. We managed to get 312 protected people in and out of the abbey and across the footprint in about 90 minutes. The stakes were enormously high, so I absolutely felt pressure to deliver a safe and



secure operation, but that was not political pressure. That was the pressure to do a good job.

Q9 **Joanna Cherry:** Did you also take into account the fact that the police have a duty under section 6 of the Human Rights Act to facilitate protest?

**Matt Twist:** Of course, and I have seen reporting, which is completely erroneous and false, that suggests that all protest was prohibited, banned or in some way constrained. That simply is not the case. We are very familiar with our duties around dealing with protest, both positive duties under the Human Rights Act and negative duties. Balancing the rights of people who wish to protest with those impacted by the protest is part of the day-to-day job of policing in London.

It is fair to say that just in the last 12 months we have dealt with something like 4,000 events, 500 of which were protest-specific. This is a point that is worth noting as well. Since the legislation that we are talking about was enacted and Royal Assent was given, there have been 67 protest events in London. The only time that the new legislation has been used was the one-off occasion we are talking about here today.

Q10 **Joanna Cherry:** You talked there about getting the balance right. You will be aware that the European convention on human rights provides that protests can be limited in order to protect the rights of others, but any restriction of that right is lawful only if it is proportionate and necessary under article 10 and article 11. Do you accept that, when it comes to the balance, the scales are actually weighed in favour of protecting the right to protest, rather than equally balanced? That was the conclusion of my committee when we looked at part 3 of the Police, Crime, Sentencing and Courts Act, which was the precursor of the Public Order Act.

**Matt Twist:** Of course, we are really familiar with that. Part of the complexity of this area of law is that there are a number of primary and secondary legal instruments at play. There is the Human Rights Act and then there is case law. All the time, the law is being interpreted by the courts, most recently in the Supreme Court case of Ziegler, which set out the conditions we might need to consider as part of this.

You are absolutely right that articles 9, 10 and 11 of the European convention form the basis of an individual's right to participate in peaceful protest and we fully respect that. Also, as you have said and I agree with, this is a qualified right and we are continually balancing the rights of those who seek to protest with those who are impacted by it.

Latterly, we have seen where there is a fine line between what is peaceful protest and what is straying into illegal activity, as we have seen in the latter part of last year and the start of this year. The shifting of those scales takes place. Where crime is being committed, obviously we need to intervene much more quickly.

Q11 **Joanna Cherry:** Can I put it to you that the language of balancing,



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which is used frequently by police officers and policing bodies, is not always helpful? If you view protest as inherently problematic and inconvenient rather than as a necessary and important element of a free society, balance will almost always fall on the side of maintaining order and preventing crime. The starting position should always be that peaceful protest should not be restricted and should be facilitated so far as possible.

**Matt Twist:** I agree with that. I believe that the evidence would show that that is what we do. Getting the balance right between the qualified rights of protesters and the impact is difficult. Protest, by its nature, is designed to get attention. We understand that. I am very clear that there is a strong presumption in favour of the right to protest. That is important in a democratic society. Where that strays into crime, the police will deal with the laws as we find them. We are very familiar with this and we understand the human rights position.

Q12 **Joanna Cherry:** Chief Constable Noble, do you want to add anything on that?

**Chris Noble:** Yes, I have just a couple of points. There might be some debate among articles 8, 9, 10 and 11 where a hierarchy exists. Clearly, from a policing point of view, articles 2 and 3 are pretty fundamental. Very often in a public order event where protests are involved, there can be matters of public safety coming to the fore, which clearly then need to be effectively dealt with.

To support Matt, policing is not anti-protest. We have positive and negative obligations under human rights legislation. My experience in a different jurisdiction is that actually, fundamentally, it is a good thing for society in terms of being able to protest in a peaceful but also a reasonable way.

A lot of the things that we will probably discuss today or have debates about are where that tipping point is reached, in terms of when it becomes unreasonable, whether we like to call it a balance or not, because that is the language of the courts. Then policing, without any great desire to do so, has to intervene and ultimately allocate resource that it would much rather allocate in other parts of the policing environment. There is no presumption against protest. It is actually quite the opposite.

Q13 **Joanna Cherry:** Do all police officers receive ongoing training on their human rights obligations?

**Chris Noble:** In terms of the training environment for policing, there is an initial input at initial training in terms of human rights obligations. There is a model around decision making in policing called the national decision-making model, which has at its core key tests around human rights obligations. That will be reinforced on an ongoing basis whenever new legislation is introduced.



When we move into the world of public order and public safety, there are quite strict initial courses to be attended. There is reaccreditation. There is quarterly CPD for the most senior commanders. There is regular CPD for more junior and specialist commanders. Then there will be access, pre, during and post event, to specialist lawyers, again around human rights obligations, to test the policing operation before, during and after. Clearly and appropriately, there will be significant scrutiny, whether from committees such as this, the IOPC, police and crime commissioners or other bodies that have a real interest in protest as well.

Q14 **Simon Fell:** Chief Constable, I wondered whether you could take us through how police forces across the country prepare when a new Act, such as the Public Order Act, is brought in.

**Chris Noble:** In terms of the preparation for that new legislation landing, it can be challenging. We have had moving parts recently in terms of legislation. To be very transparent, from a policing point of view, our ask of the Home Office was, "Give us current legislation. Give us legislation that is fit for the challenges that we are facing today and capable of being enforced". While policing does not set the law, it has made it very clear where it has identified some gaps or challenges. Ultimately, the making of the law is a matter for Parliament, as is the timing of that law actually commencing.

On this occasion, Royal Assent was granted on 2 May at about 2.30 pm. It commenced at midnight, technically, on 3 May. Within 10 hours then, we had briefing documents across the country to chief constables and our gold commanders, who are our most senior public order commanders. That was cascaded down as well, and Matt might want to speak about how that happened in London, with that information being put in officers' hands.

We could not pre-empt exactly what would come out of the legislation. We were not going to do anybody's job for them. We did not want to put a version out in advance that would have to be amended. While timing was compressed, we had discussions in advance about how we would do that and get the information into the hands of people who need it.

**Matt Twist:** From a London perspective, we got the correspondence from the NPCC and the college guidance at the time shown. This was circulated to all public order commanders in the Met at all levels, as well as our public order training staff and our tactical advisers on the same day.

There was a specific briefing by the silver commander and one of our most experienced officers from the strategic training unit, who trains public order officers for the command team who are taking part in Operation Golden Orb. Some of the bronzes within that command team then placed constraints on the use of that legislation—that it would only be used if they were notified themselves in advance. While it was short notice between the operation and the timing of it is a matter for



Parliament, we believe that we were in good shape in terms of the briefing and that officers knew what they had to do.

**Q15 Simon Fell:** In the case of Golden Orb—we will be hearing from some of the other witnesses later on this—we know that you had been in communication with some of the protest groups that were planning to attend. Obviously this is something new for you, to understand how to implement and use this legislation appropriately. It is also new for them. Could you take us through some of the detail in those communications and that dialogue? What would that look like? If they have questions, do they come back to you? Do you just point them at the Bill?

**Matt Twist:** In the broadest sense, it always works best when groups that are looking to protest engage with the police. This has been going on now for many years. We have a protest liaison team—gateway team. People who want to conduct large protests in London will make contact with that team. That is not for us in any way to constrain what they want to do. We can provide advice. We can be clear on what the responsibilities of organisers might be.

This is a tried and tested process for many protest groups now that will engage with our gateway team, which will then get notified about what they want to do. That helps us provide a proportionate policing response, which at times may be nothing at all, depending on what the matters are in hand.

There are some groups that do not engage at all, which makes things much more challenging in terms of resourcing, what their intentions are and where they might go. Groups such as Animal Rebellion or Just Stop Oil do not engage despite repeated attempts from us to do that. That means that it leads to greater abstractions from local policing, frankly, as we have to continually manage an unknown risk.

In terms of this case, if we are talking about the Republic protest, “Not My King”, they engaged with the protest liaison teams in advance, via multiple means, with letters earlier in the year and further correspondence in the run-up. I do not know whether there was specific engagement on the point of the new legislation.

**Q16 Simon Fell:** I suppose that that is what I am trying to get to. I know that some of my colleagues will pick up on this later. There were straps used to hold placards together that were interpreted as being potentially used as devices for locking on. I am trying to understand whether there would be a dialogue around that sort of granularity as to whether a strap in the back of a van might be considered as something that would be of concern to you, or whether it is just pointing towards legislation and saying, “You need to understand this yourselves”.

**Matt Twist:** Our view, our start point, was always to be as helpful as we could be. I do not know whether a discussion was had about any such straps in advance of the coronation. I have seen various descriptions of





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what those straps are. We can touch on that if needed. I do not know whether that actual discussion was had in advance.

Q17 **Alison Thewliss:** I want to pick up where Simon left off and talk about the kinds of objects that would be covered by the new offence of being equipped to lock on. What is your understanding of that?

**Matt Twist:** It is contextual. In terms of implementing law, you need to look at what the person's intent might be. You need to look at what the object is and then meet that with an intent or a likelihood of doing it. Clearly, something like a D-lock could be used to lock on.

Q18 **Alison Thewliss:** It could also be used to secure your bicycle.

**Matt Twist:** Precisely, that is the point I am making.

Q19 **Alison Thewliss:** If I was wearing a Just Stop Oil t-shirt and cycling along the road, where is the context there and how would you interpret that?

**Matt Twist:** It is a hypothetical, but my point was exactly that. A seemingly innocent item could, in the right context, be considered as equipped for locking on. We would base this on intelligence, actions and the group.

At the time, what we were talking about, if we draw this back to Golden Orb, was a situation where we had very clear intelligence that was deeply concerning, sufficiently so that we ended up briefing the Home Secretary and the Mayor late at night on the Friday. We briefed senior stakeholders and partners late on the Friday and early on the Saturday that there was going to be a concerted attempt to disrupt the coronation procession. Officers were asked to be extremely vigilant and proactive in dealing with this. In the wider threat context, that would have played into some of the decision making.

Q20 **Alison Thewliss:** There is no history of Republic ever having locked on, yet its members were arrested and presumably the items that were securing the placards were taken by your officers.

**Matt Twist:** We do not know that they were securing placards. That was what was said. The items themselves were in clear plastic bags that were sealed, so they had not been used for that purpose in so far as we could see in the van.

But that's right—officers have to make a difficult judgment, at the time, in the moment, based on what they are faced with and the information they have. They have to form reasonable grounds for an arrest. As the Committee will know, reasonable grounds is actually quite a low threshold and is much lower than where you would need grounds to meet the evidential test to charge and a public interest test to charge.

What was found was 12 heavy-duty material straps with combination locks on them, which the officers were told were for securing placards. At





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the time, the officers were operating in a threat environment where they believed—taking into account the time, the location, the proximity to the route and what they had in front of them—that those could be items to be used for locking on. That was why the arrest was made.

**Q21 Alison Thewliss:** If you are looking more widely at such an item as a luggage strap, there must be thousands of people who go through central London every day with a luggage strap. How reasonable is it to assume that that kind of thing is a threat?

**Matt Twist:** That takes it straight back to the context in terms of the intelligence we had, the once-in-a-lifetime, once-in-a-generation event, the proximity to the event itself and to where we thought the threat was likely to manifest itself, and the time. There was not much time between these officers stopping the van and the actual ceremonial procession taking place.

You are quite right. These items on their own in Heathrow Airport are not going to be something that might cause concern. If someone was walking round with 12 of them, there may be some questions asked. You need more than just the item. The officers would need to show that there is some sort of intent or intelligence that would lead us to believe, in the context, that these could be items that were used for locking on.

**Q22 Alison Thewliss:** This vagueness is in the legislation now. Going forward—away from something such as the coronation, which is a big, one-off event—that could then be used at any point, at any time, to question somebody's ability to have a D-lock, a luggage strap, cable ties or anything of that kind, could it not?

**Matt Twist:** It is then for the officers to show that they have acted proportionately and reasonably. If somebody is arrested at the threshold of reasonable suspicion, to then meet that evidential threshold is a completely different step. If you get to that evidential threshold and the CPS or the police believe that there is sufficient to charge, the courts will interpret that and look at the circumstances.

At the moment, you are right that there is no case law on this. My point is that officers still need to act proportionately and reasonably. Their actions need to be necessary in all of the circumstances. While the Saturday that we are talking about was the first time that this legislation was used, it is also, I do not think, legislation that we are going to see being used day in, day out, or even week in, week out. Since it was passed, 67—actually 68 now—other demonstrations have taken place and we have not used this legislation on any of them.

**Q23 Alison Thewliss:** Can you tell me what it means to attach for the purposes of locking on?

**Matt Twist:** For me, locking on would be to secure yourself to something else. We would have to take the ordinary dictionary definition.



Q24 **Alison Thewliss:** Yes, but what does “to attach” specifically mean?

**Matt Twist:** As I say, I do not have the definition in front of me.

Q25 **Alison Thewliss:** Does that cover holding hands? Does that cover locking yourself to somebody else or gluing yourself to somebody else? What is the definition of that?

**Matt Twist:** My view on this is that I would look at the common sense definition in terms of securing yourself to someone else. Chris may know a national approach on this.

**Chris Noble:** The example I would give, because it was one I shared with the Bill scrutiny Committee, is that at the G7 event there was a scenario that policing encountered. They had information that individuals would be coming down to create devices and, indeed, potentially lock on at a protest. At one point in time, I think that they were stopped on the road and various bamboo poles and other things were discovered.

Policing essentially had to let that run, until eventually it became a substantive offence, and then had to intervene. It ultimately impacted much more on the rights of other people as well. From an operational perspective, even though this might be very rarely used, and there is a degree of breadth in the framing of it, you can have a scenario where someone is sitting down in a road, potentially committing an offence, but people are walking towards them with bicycle locks. It was very clear what was going on and police may well not have had the ability to intervene.

There are challenges around interpretation. I can see the concerns about whether this is too broadly framed. I would say that the imaginations of protest groups are also very broadly framed. From a policing point of view, if the law is too narrow it can essentially mean that that is much more easily circumvented for individuals looking to be unreasonable in their protest and cause serious disruption, but it has to be handled carefully.

Q26 **Alison Thewliss:** I understand that the maximum penalty for locking on is a fine. Is detaining people appropriate?

**Matt Twist:** That is a matter for Parliament, in terms of where the powers of arrest are drawn, and the courts. This offence may not sit in isolation as well. The going equipped offence obviously would, but, as Chris has alluded to, there may well be other offences that come into play in those circumstances, potentially causing a statutory public nuisance under section 78.

This is a preventive measure. At the moment, as Chris has alluded to, there was not the power to stop people who we had intelligence were going to lock on until they did so. That led to a much greater disruption of other people’s rights. It then takes a long time to remove somebody



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who is locked on. This enables us to have that proactive power to prevent that in the right circumstances.

Q27 **Chair:** Earlier on, Assistant Commissioner Twist, you said that, in certain circumstances, there had to be a referral to bronze command if there was going to be use of public order. Did that happen in this particular case? Can you assure us that bronze command was told that these people were going to be detained?

**Matt Twist:** I will answer the question, but this is not policy; this is something that we did given the short notice. We were not sure that every inspector and every sergeant would have fully understood it. It was a constraint that we put on for this one operation. In terms of the specific question, yes, the bronze commander for the sector was notified of the arrests under this power.

Q28 **Chair:** Did that bronze commander have the information about the engagement with Republic? Did they know what had been agreed and what was said?

**Matt Twist:** I don't know off the top of my head. My expectation would be that, yes, the whole command team would have been alert to engagement that had been taking place with Republic. We would have been notified of that protest, so we would have been expecting it, but I don't know what was in her mind at the time.

Q29 **Chair:** You don't know what was in their mind.

**Matt Twist:** My expectation is that the bronze was aware of the—

**Chair:** I am just a bit surprised that you have come today to explain what is happening, but you don't actually seem to know who knew what. I would have expected you to have found that out.

Q30 **Tim Loughton:** Assistant Commissioner, can I be clear? You said that the placards that were from the Republic group, which were in their component parts or whatever, were luggage straps with combination locks with them. In your experience, have you seen other placards that have been attached using luggage straps with combination locks?

**Matt Twist:** In my experience, no, but that does not mean that that has not happened.

Q31 **Tim Loughton:** For you, it would be unusual by the sounds of it.

**Matt Twist:** For me, it would have been unusual because normally we see the placards that are attached using cable ties, string, rope or something like that. These are heavy duty things and the combination lock is part of them. It links together and then there is a combination on it. It would have been unusual, which I think is why it would have aroused the suspicion of the officers.

**Tim Loughton:** You usually use a combination lock to stop—  
[Interruption.]



*Sitting suspended.*

*On resuming—*

- Q32 **Tim Loughton:** To be clear, they were Just Stop Oil protesters who tried to undermine the activities of this Committee with our witnesses today.

Assistant Commissioner, going back to the use of combination locks, in my understanding you use a combination lock to stop somebody getting into something or undoing something to get into something. It is unusual to use them in order to assemble a placard or any other bits of wood. It seems a bit odd, does it not?

**Matt Twist:** That is how you could read that, yes. I suspect that that was part of the grounds that were formed that this was unusual.

- Q33 **Tim Loughton:** Back to the earlier conversation about somebody having a D-lock where a defence would be, "It is to secure my bicycle", if somebody is at a demonstration without their bicycle, presumably they would have left that D-lock on the bicycle in order to secure it. It is unusual to be carrying a D-lock without a bicycle.

**Matt Twist:** One would have thought so.

- Q34 **Tim Loughton:** This is the substantive question that I want to ask. Ahead of the coronation, the Met tweeted that its "tolerance for any disruption, whether through protest or otherwise, will be low" and that it would "deal robustly with anyone intent on undermining this celebration". Notwithstanding the fact that this was the largest event probably ever, the largest assembly of world leaders that was there, how did you approach the policing of this event differently to justify that statement and sort of warning, effectively?

**Matt Twist:** What is important is the difference between protest and disruption. We said that our tolerance of disruption would be low, but, to be clear, it was not zero. We said that we would have zero tolerance of any breaches of safety or security. That was partly driven by the fact that we had 312 protected people and the largest security operation that we had ever run.

It is clear that, on the day, some disruption happened. In the tens of thousands of people who came to watch the coronation and peacefully enjoy a once-in-a-lifetime event, there were large numbers of "Not My King" and other protest groups that were there, shouting and making a noise. While they were roundly booed by the crowd at different points, that to me points to officers striking the right balance. Large groups of protesters were able to be in the crowd with very large signs and banners, and to peacefully coexist with the overwhelming majority of people who had come to enjoy the celebration.

- Q35 **Tim Loughton:** There was a big recognised, organised group of protesters in Trafalgar Square, I gather, and then various other groups. Were they scattered all over the place, with one group in Trafalgar



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Square? Were there several groups that were recognised and it was all fine? How many protesters roughly were there, and where were they?

**Matt Twist:** There were several hundred in and around Trafalgar Square that were originally near to the corner where the procession was going to turn. At one point they moved away and then came back again. There were other people who were protesting at various points in very small numbers across the route.

Then we move into those who we were considering were going to present a criminal threat to the procession, so in this case, the Just Stop Oil activists, who we stopped both at Whitehall and at the bottom of Duke of York steps, where a large number of them were present. We had intelligence and honestly believed that those people were going to seek to disrupt the coronation procession. In my thinking at that point, this was a conspiracy to commit public nuisance at the very least. We dealt with those through a criminal lens, not a protest lens.

Q36 **Tim Loughton:** In terms of the Republic protesters who were legitimately in a group in Trafalgar Square, there was no problem. None of those was arrested.

**Matt Twist:** No, not the ones who were there, as far as I am aware.

Q37 **James Daly:** For context, Commissioner, could you tell us roughly how many people were in central London that day, in terms of numbers?

**Matt Twist:** It was hundreds of thousands. In terms of the footprint itself, the numbers were constrained through the organisers' need to maintain public safety. Across the whole footprint, there would have been hundreds of thousands of people in central London. I do not know the exact numbers.

Q38 **James Daly:** Of course you have given us an idea of that. When you are policing that size of population, the safety and security of those people and everyone else in the area where they are is paramount.

**Matt Twist:** Of course, yes.

**James Daly:** It does not matter what your background is or what you are doing. You do not differentiate on that. The safety and security of people is at the core of the policing.

**Matt Twist:** This touches on the human rights point that Chris referenced earlier. There is a hierarchy, in that article 2—in terms of our duties under right to life—is more important than some of the other rights. Public safety and the security of those people we are protecting is critical.

Q39 **James Daly:** You gave evidence to say that the Home Secretary and the London Mayor were briefed. Can you give us an idea of what the intelligence was that you passed on to them, as long as it is not confidential? I do not know whether it is.



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**Matt Twist:** Clearly, I cannot go into the details of intelligence. I can say that on the evening of Friday the 5th, I was concerned enough that the Home Secretary was briefed late in the evening, as was the London Mayor, on the growing intelligence picture, and subsequent ministerial briefings happened in the morning.

We were absolutely concerned that there were people who, overnight, were seeking to deface and spray historic monuments. We were concerned that there were people who were going to incur on to the route. We were concerned that there were people who were seeking to disrupt the coronation through loud noise. The use of rape alarms has been previously mentioned. The intelligence that we had was real and we believed at that time that the threat was sufficiently serious that we needed to brief those key Ministers and officials.

Q40 **James Daly:** When we started speaking, we talked about that primary duty for the safety of people and, in this circumstance, horses and other animals that were part of the coronation. Could you tell us the link between the intelligence and that duty to protect people who were there in central London that day?

**Matt Twist:** We were deeply concerned about people incurring on to the route. Members may have seen that the conditions for the horses were tricky enough as it was, with the rain and everything else. There was a very real risk that, had people incurred on to the route or played sudden loud amplified music, that could have literally scared the horses, leading to significant safety risk and potentially serious injury.

Q41 **James Daly:** On the day, how many people were arrested in total for activity related to the coronation?

**Matt Twist:** In total, it was 52 out of 64 arrests, and some of them were, as you say, not linked. They were picked up on the footprint having been wanted for other matters, as an example.

Q42 **James Daly:** We are going to hear from a representative of Republic. It appears from the briefing that I have seen from Sir Mark Rowley, the Met statement on this, that the position the Met takes is that the arrest of the six people was lawful. Do I understand that correctly? That may be challenged in court later. It may be challenged through civil proceedings; it may be challenged through all sorts of means. In terms of the position of the Met, is it that those arrests were lawful?

**Matt Twist:** Yes.

Q43 **James Daly:** I am not asking you to repeat, but could you say again exactly why the Met says those arrests were lawful?

**Matt Twist:** At that moment, those officers formed reasonable grounds to believe that the people they had detained were committing that offence. It is for those officers and the state, taking into account the overall intelligence picture and the briefings they had, to justify why





those reasonable grounds were formed. We have touched on the difference between reasonable grounds to suspect and the evidential threshold needed to charge and to prove, but I believe that they are lawful.

**Q44 James Daly:** Perhaps if you could develop this thing, this point has been made to you, I think—"Why should people be put into custody if they are being arrested for an offence where there is not a custodial sentence at the end of it?" Perhaps you could confirm to us that there are many offences and many occasions where people are arrested for offences where they are not going to receive a custodial sentence, even if they are charged with it, but they are taken into a custodial environment to allow for investigation of the circumstances of the arrest. Is that correct?

**Matt Twist:** That is quite right, yes. If I may, I have some more detail on the arrests that may help the Committee. I mentioned that there were 64 in total across the weekend; 52 were linked to activists or potential direct action protest. These included proactive arrests to prevent a breach of the peace and causing public nuisance.

We found a group of people in possession of white paint in plastic bottles wearing high-vis jackets that could easily have been construed as stewarding jackets but had an Animal Rising logo on the sleeves. These were arrested for going equipped to cause criminal damage. We had intelligence in relation to Just Stop Oil intending to disrupt the procession, which resulted in the proactive identification of groups on the Mall and at Whitehall, which resulted in 23 arrests.

Eight arrests were made for other offences, including possession of offensive weapons, drugs and breaching a sexual harm prevention order. Our live facial recognition deployment at three locations led to two arrests. One suspect was wanted for breaching a sexual offence prevention order where the index offence was rape and the other was for going equipped to steal.

**Q45 James Daly:** As I say, the Met's position in respect of this can be challenged by all sorts of legal means. That is a matter for the people involved in that. If these arrests were lawful, if the behaviour from the police's perspective was absolutely correct, why apologise?

**Matt Twist:** What we have not said is an apology. I said that we regret that those who were detained and subsequently no further action was taken missed their opportunity to protest. That is a human thing to do. We do not want to get into dancing on pinheads about, "Will you apologise or will you not?"

I believe that the arrest was lawful. Once we have conducted further investigation and inquiries, found out more details of the engagement that had taken place and looked at all of the circumstances taken together, it is quite a human thing to do to say, "We regret that they missed their opportunity to protest". It was also very clear that many





hundreds did not miss that opportunity and continued on with that protest, which is quite contrary to the reporting we have seen that all protest was banned. That clearly was not the case.

**Q46 Carolyn Harris:** Overall, it was an excellent day and the police did a really good job. This incident has probably been a big takeaway for a lot of people and has marred what was otherwise an excellent day. Retrospectively, what could you have done differently to have stopped this happening?

**Matt Twist:** As with any big event, there is going to be a full operational debrief, which we always do. We always look to improve. My initial takeaway from this would be that, had we been better able to connect those officers who were making the arrests and forming their reasonable grounds with the protest liaison teams, which were also deployed but elsewhere on the footprint, that may—I stress “may”—have led to a different outcome.

However, it is also very clear that, even if the protest liaison teams had confirmed that there had been engagement with those individuals, that does not mean that arrest is impossible. People engage and do not tell us the truth. People engage with other nefarious motives in mind.

To give you a sense of the scale, though, as to why that was difficult and why we were looking to see how we could do better, on the day itself the policing operation was split across nine geographic sectors with additional functional commands dealing with things like protection, traffic or security of firearms. We had 51 active radio channels across nine sectors and that is not including the protection channels, which added another 80 or so to it. In the context of a fast-moving environment and a very high threat as we saw it, I can see why that did not happen. In terms of our debrief point, that is one thing that I would focus on.

**Q47 Carolyn Harris:** This will go through the Hydra process presumably. In terms of the police officers involved, were they over-zealous? Were they nervous about the fact that it was such a high-profile event and they did not want to be seen to be doing something that was not overly precautionous?

**Matt Twist:** I don't know whether that is the case. Everybody knew the significance of the event. Officers were briefed as to the intelligence and we had put in place measures where the bronze commander would be briefed if we were going to use the specific legislation. We all knew the importance of the safety and security that we have touched on already, while ensuring that those who wished to peacefully protest could do so.

I do not think that “over-zealous” is the right word. Of course we were cautious, in the context of the largest security operation we have ever run, the once-in-a-generation, once-in-a-lifetime event and no second chances to get it right.

**Q48 Marco Longhi:** I add my own congratulations for how the operations



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were run on the day and the preparations for them as well. Would I be correct in saying that the reasonable grounds for believing that a person's arrest is necessary, and for that threshold having been met for the 52 that the police, in their judgment, decided were necessary on the day, could include the fact that other members of the public, members of the forces parading or the procession could have come to harm?

**Matt Twist:** That is part of the overall context. I do not think that that is part of the reasonable grounds itself. That could be linked to the necessity test. For me, the reasonable grounds is based on what the officers see the individuals doing, obviously taking into account the wider context that we have alluded to.

Q49 **Marco Longhi:** If a consequence of a potential disruptive act is that others could come to harm, would the police be duty bound to take action?

**Matt Twist:** If the individual was committing an offence and there was a power attached to it, yes, we would, absolutely. One thing that you would consider in terms of the necessity of making an arrest would be the harm to others or the continuing harm to others.

Q50 **Marco Longhi:** You just said that that is if a person is committing an offence. I think that the police can make an arrest if they believe that there is a risk that an offence might be committed.

**Matt Twist:** That is also true.

Q51 **Marco Longhi:** As I was walking into Parliament this morning across Westminster Bridge, these people who were sat behind you just a few moments ago were walking very slowly and there was an enormous amount of traffic behind, potentially with ambulances being prevented from getting to people who might have needed help quickly. Would it not be in the police's judgment, in those circumstances, that harm could come to people?

**Matt Twist:** I can help with that specifically. This was a Just Stop Oil protest on Westminster bridge. It started at 8.42 am when they started marching towards Parliament. Our first public order officers were there at 8.46 am. Our first commander was there at 8.51 am. Conditions were imposed on that group at 8.56 am and they moved off the road.

While we have been sat here in the Committee, at 9.57 am the same group moved on to Parliament Square, breaching those conditions, and officers started an engagement process with a view to moving to enforcement. Because I have been sat here, I do not know what the outcome of that is. In terms of 14 minutes from start to conditions being imposed and the road cleared, I think that that is quite a good performance this morning.

Q52 **Lee Anderson:** Thank you, Assistant Commissioner, for coming here today. Like Marco, I think that you did a great job on the day, so thank



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you for that and a big thank you to your officers. The more cynical among us—I am not cynical, by the way—may think that you just turned up on this day because it was a special occasion, a big occasion, and did a really good job.

What can you say to the public and this Committee to say that that is not the case, that you take this very seriously and that you will do this on a more regular basis now in London? Like Marco said earlier, we see these protests almost on a daily basis, and I think that the public and some of us have lost a little bit of confidence, but we regained that during the coronation.

**Matt Twist:** As we touched on at the start, getting the balance right between qualified rights of protesters and the impact they have is difficult, particularly where they are using disruptive tactics. If I can reassure you, though, in terms of the Just Stop Oil activity that we have seen, in the pre-Christmas period where we were dealing principally with conspiracies to block the motorway or people sitting down in the road, we made 754 arrests. Those are all now progressing through the criminal justice system, or most of them are, but that was an abstraction of 12,500 officer shifts, which still continues. Those are people abstracted from community policing.

Since the Just Stop Oil action that started a few weeks ago—this is its 12 weeks of action—so far we have seen 56 slow marches. We have imposed section 12 public order conditions on 40 of those and that has led to 29 arrests because, in the main, the use of conditioning has worked. So far, because this is bigger and more disparate, that has already used over 9,300 officer shifts.

The community is right to be concerned at the amount of time and effort that we are spending having to deal with disruptive protests. Also, members of the Committee should be reassured that we have a good operational plan. As is evident from this morning's activity, we are dealing robustly where people are effectively hellbent on causing disruption to the overwhelming majority of others going about their lawful business.

Q53 **Joanna Cherry:** I am a bit troubled by the statement you made, Mr Twist, about how the fact that you were booed by the crowd when you were arresting people suggested that you had got the balance right. Can you expand upon that?

**Matt Twist:** No, it was the other way round. The crowd were booing the protesters.

Q54 **Joanna Cherry:** Forgive me; you are absolutely right. That is my sloppy question. My question is this. Are you seriously suggesting, as a senior police officer, that the fact that the protesters who you went ahead and arrested were being booed by other people suggests that you got the balance right? Is that really your evidence to this parliamentary Committee?



**Matt Twist:** No, that is not what I meant at all. That was an observation as part of our evidence. When we talk about the people who were arrested, to be clear, the people who were arrested—in terms of those in larger groups—were those who we believed were part of the criminal conspiracy to disrupt the procession. Those who were arrested, if we are talking about the Republic protesters, were done at a van in St Martin’s Lane, which was not part of where the large crowds were, so that was not relevant to that at all.

In my evidence, I said that there was a large group of protesters that was in Trafalgar Square. They were, at various points, booed by the crowd, but that was evidence that we were striking the balance right. We did not arrest any of those people. They were left there and were able to chant whatever they wanted about “Not My King”. The crowd were able to boo them as they wanted to, but that did not lead to any police intervention.

Q55 **Joanna Cherry:** I am glad that you have clarified that. The reason I am asking it is that the commissioner pointed out that celebrating crowds applauded and cheered as arrests were made in the Mall area. I think that Mr Wagner, who we are going to hear from later, said that that suggested that the Met was not taking the human right to protest seriously.

I am worried about this. I am worried about the idea that it is a good thing to arrest people if the crowd do not like them. It is the essence of our constitutional democracy that minority rights or unfashionable views are protected. Do you accept that?

**Matt Twist:** I don’t think that is what happened. I don’t think that is what we are saying. I think that what we were saying was that this was just an observation. From a policing duty point of view, it is our duty to enforce the law without fear or favour, whether 1% of the population support a cause or 99% of the population support a cause.

Q56 **Alison Thewliss:** Have you issued an apology to Alice Chambers, the Australian who got arrested by mistake?

**Matt Twist:** At this time, there is an ongoing complaint. I am aware of the circumstances of Ms Chambers and there is an ongoing complaint that is going to be investigated in a proper fashion. Once that has been done, we will consider what correspondence we need to have with her.

Q57 **Chair:** Why did it take 16 hours for those arrested on suspicion of being equipped to lock on to be released?

**Matt Twist:** It seems like a long time. The process of custody is quite rigorous. It is quite formulaic. In this case, there were circumstances in which, if five of the suspects had the same legal advice, there would need to be a process of that lawyer engaging with the individual, then going into interview, so it would be done in sequence, not in parallel, where there is only one legal adviser.



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Q58 **Chair:** Is that what happened?

**Matt Twist:** Yes.

**Chair:** They had one legal adviser.

**Matt Twist:** For five of them, yes.

Q59 **Chair:** What communications did you have with Westminster City Council in relation to Night Stars?

**Matt Twist:** We had quite extensive communications actually. On the night, at the time of the stop, the inspector on duty at Westminster control room spoke to the Westminster City Council local authority liaison officer and asked about the volunteers organisation. Unfortunately, the council officer we spoke to could not confirm knowledge of that organisation, although that did not mean that it did not exist. He was at pains to say that he, the person, did not know about it.

The Met gold commander spoke to the council gold on 6, 7 and 8 May and with the chief executive across the days. The Met's neighbourhood superintendent also spoke with the leader of the council on 6 May. The Met BCU commander has been in contact with members of the council.

Q60 **Chair:** You are telling me that the Met did not know about this organisation in London that operates within Westminster.

**Matt Twist:** No, not the Met. The officers who were dealing with them at the time did not. The local authority liaison officer, who was called out of hours, did not know, but that did not mean that it did not exist.

Q61 **Chair:** Clearly it exists, does it not? Nobody seemed to know about it.

**Matt Twist:** That just meant that he did not know.

Q62 **Chair:** There seems to be a bit of a communication issue going on about people not knowing what other people know.

**Matt Twist:** The officers did the best that they could. We had an inspector call Westminster City Council and ask about the group, and the person we spoke to, who was the duty liaison officer, did not know.

Q63 **Chair:** There are some lessons of communication for Westminster City Council and for the Metropolitan Police.

**Matt Twist:** Yes, of course. We always learn from these things.

**Chair:** Can I thank you very much indeed for coming along this morning and giving your evidence? I also want to say one other thing. We take very seriously that Parliament should be open to members of the public. That is very important, but we also take very seriously that we should not be disrupted from our job of scrutinising particularly what happened in this case. I also want to thank the security and the police officers who acted very quickly to ensure that the session could continue. Again, thank you very much for your time this morning.



## Examination of witnesses

Witnesses: Graham Smith, Adam Wagner and Suzie Melvin.

Q64 **Chair:** Thank you very much for patiently waiting for the panel to start. As you know, we are rather restricted on time. If people could answer briefly, that would be very helpful. If members of the Committee could be brief in their questioning as well, that would be very good. I would like to start by asking each of our panel members to introduce themselves and explain why they are here today.

**Graham Smith:** I am Graham Smith. I am CEO of Republic and one of the eight people, not six, who were arrested from Republic on 6 May without any lawful justification.

**Adam Wagner:** I am Adam Wagner and I am a barrister at Doughty Street Chambers. I am an expert in protest law.

**Suzie Melvin:** I am Suzie Melvin. I am one of the three Night Stars who were arrested.

Q65 **Chair:** We would like to start by asking Graham and Suzie if you could explain what actually happened and tell your story to us. We appreciate that you have obviously been through a difficult and traumatic experience, so please take your time. We want to hear what happened to you.

**Graham Smith:** I appreciate those last comments because some people have tried to downplay the arrest and detention of people as an inconvenience. It is a traumatic experience for people and should be taken very seriously.

I had written to the Commissioner of the Metropolitan Police in January. We had two meetings with senior officers on 8 February and 24 March, as well as a number of phone call conversations and email exchanges with a junior officer who was our dedicated liaison officer. We had been abundantly clear with them right the way through the process exactly what we were planning to do.

We told them how many placards we would have and what they would say on them. We told them that we would have these large flags, which you would have seen in the footage. We told them that we would have amplifiers for the purposes of making speeches to the crowd. We told them that we would have megaphones. We gave them a map that showed them where we would have the main protest and that there would be other smaller protests on the Mall and on Whitehall.

We gave them every piece of information that we could. It is possible that the occasional tiny minutiae might have slipped through and not been communicated, but they were very clear with us that they did not have a single concern about any of the things that we told them we were going to do. When we told them, for example, that we had these three-





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metre flags, they said that they would be concerned that they might fall into the parade route, so we made it abundantly clear that we would be keeping them well away from the parade route, towards the back of the crowd.

It should be noted that we are under no obligation whatsoever to communicate with the police. It is a static protest that does not require permission, but we were concerned by an arrest that occurred in 2011 on the day of William and Kate's wedding, and arrests and threats of arrest that happened immediately after the death of the Queen. We were keen to engage and gave them every possible co-operation and involvement.

During that time, we had protests in four other cities and in London that were peaceful. We engaged with liaison officers. Those officers were professional and helpful, and we never had any intention of doing anything that even came close to falling outside the law.

The claim that they had intelligence cannot possibly be true. They are either being dishonest or they are making a very serious error. You cannot have intelligence relating to Republic because there was not a single email, text message, WhatsApp message, conversation, fleeting remark or anything else that would have suggested at all that we had any intention of doing anything unlawful or disruptive.

In these meetings, we said to them, "Would you make sure that everybody on the ground understands what we are doing?" They said yes. They said that people, including the bronze commanders, had been fully briefed as to what was going on.

On the day—we had stayed the previous two nights in a hotel on St Martin's Lane—we went down to Trafalgar Square at 6 am with a number of pieces of equipment, including flags and amplification equipment. We were immediately approached by a number of officers, including the bronze commander, who did not seem helpful. They seemed quite hostile. They gave the impression that they did not know who we were, what we were doing or what our intentions were. I texted a message to the liaison officer saying, "Your officers are being somewhat difficult".

I then went up the road to meet my colleague, who was driving the van down from north London with the placards. He was having some difficulty navigating so I jumped in the van with him and we parked up on St Martin's Lane. We opened the back of the door, and immediately we were surrounded by large numbers of tactical support group officers, who were not in a remotely friendly or helpful mindset.

They immediately told us to stop what we were doing. I attempted to phone the liaison officer. He told me that he was therefore detaining me and did not allow me to do that. I attempted again, and he seized my wrist, removed my phone from my hand and again told me I could not do that. I told him that we had had these meetings with a superintendent and a silver commander. He asked me what the name of that person





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was. I told him. He clearly recognised that name, and he said that it did not matter.

I repeated that we had had these meetings. A colleague of mine also repeated that. They obviously had no reason to believe that we had anything in the van other than the placards, which is not an offence. It is not an offence to park up and unload placards. We had two large trollies, which we had hired, and the straps were there to strap the large bundles of placards to the trollies so we could quickly and efficiently, with minimal disruption, get them down to Trafalgar Square. The straps would then have gone back into the van. The van was then going to be driven back to north London and left there for the duration of the day.

**Q66 Chair:** In your extensive discussions with the police, had you mentioned these straps?

**Graham Smith:** No, because we had not realised until we had them delivered a few days earlier that they were quite cumbersome to move. I simply went on Amazon and found the first straps I saw. I picked them mainly because they were yellow, which matched everything else we were carrying. I threw them in the van still in the packaging.

They are not physically capable, as our solicitor pointed out when she arrived at the station and as they have now accepted, of locking people on. They may have a combination lock, but they also have an adjuster, like any bag strap. They are quite long, and they are also very easy to cut. They are not particularly heavy-duty. They are the sort of strap you might strap around your case if you are going into an airport.

**Q67 Chair:** Is there anything else you want to tell us at this point? We will want to ask you some further questions.

**Graham Smith:** I am very concerned by the statements that have been made today by the police and in the letter they sent to Sadiq Khan. There are a lot of claims there that are simply untrue.

I am concerned by the suggestion that we were there for 16 hours partly because of processing. The officer told me at 1 pm that he was ready to interview me and after that I could go. I was then told a couple days ago that our solicitor arrived at around 1 pm. It was 6 pm before I was interviewed, and I was the first of the six people in that station to be interviewed.

I would hope this Committee can get answers as to whether there was political interference, who made what decision and whether this was premeditated. We certainly had the impression that they had turned up with the intention of detaining us.

I would also just very quickly—I appreciate the time—dispute the notion that we were still able to protest. We were not. We were in cells. The protest was significantly disrupted and diminished as a result of their actions. They continued throughout the day. They confiscated our



amplifiers, even though they had said we were allowed to use them. They threatened to arrest people with megaphones and then arrested two people with megaphones. I know for a fact that large numbers of people left or did not turn up because of those arrests.

**Q68 Joanna Cherry:** I just want to ask you a very quick question. Clearly, you have heard that the police have used the luggage straps as the justification for detaining and arresting you, but you described large numbers of police arriving and swarming around. At that stage, had anyone seen the luggage straps or were they still inside the van?

**Graham Smith:** They were still inside the van. They stopped and detained us for search before they had seen any luggage straps.

**Q69 Chair:** Suzie, could you just explain what happened in your case?

**Suzie Melvin:** Yes. We commenced a Night Stars shift at 7 pm on Friday 5 May. As part of Night Stars, we patrol various areas including Soho, Leicester Square and the Embankment. My colleagues and I were walking around with our rucksacks and high-visibility vests. The rucksacks contained things like bottles of water, sick bags, slippers, lollipops, hairbands, ponchos—anything you would need at the end of a night out, really.

As we were walking around, we were speaking to members of the police force, as we always do when we are on patrol. For most of the night, it was quite quiet compared to a normal Friday night. We were mainly giving directions to people from outside of London as to where they could go to watch the coronation.

We had gone back to St Anne's Church, which is where we base ourselves, and had some dinner. Myself and my two colleagues I was arrested with had made the decision that, because it was quite a quiet night, we would do a final circuit around Soho, which is generally the busiest area, and then we would go home.

We started walking towards Soho. Soho Square is always the last area we patrol because there are often people waiting for taxis on their own there. A large part of our role is trying to keep people safe, particularly towards the end of a night out. If we see people who are on their own waiting for an Uber, say, we will offer to wait with them so they feel safer and they are not at risk of incurring any crime.

As we entered the north side of Soho Square, we were approached by a number of TSG vans, and then a large number of officers got out of the vans, approached us and said they were going to stop and search us. We were kept separate. The officers looked through our bags and checked our pockets.

We explained to them who the Night Stars were, showed them emails from Westminster City Council, showed them the Night Stars website and gave them leaflets that had been printed by Westminster City Council.



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Our high-visibility vests, which display the Met Police logo because we work in partnership with the Met Police, have a QR code on them that links back to the Westminster City Council website.

Q70 **Chair:** I am sorry to interrupt you. Did you say that you work in partnership with the Metropolitan Police?

**Suzie Melvin:** Yes.

**Chair:** Right, okay. I am sorry to interrupt.

**Suzie Melvin:** That is no problem. We did the best we could to try to explain who we were to the officers. They also searched the church we base ourselves out of. We were then taken in police vans. We were told we were going to be arrested and taken in police vans to Walworth police station, where we were held. I was interviewed at approximately 1 pm the following day, and then we were released a little bit after 4 pm on Saturday 6 May.

**Chair:** Goodness, that is such a long time for you to be detained.

**Suzie Melvin:** Yes, it was.

**Chair:** Right, okay. I am a bit speechless, having heard that account of what happened to you and your colleagues. Thank you both for setting out so clearly what happened. That is very helpful to the Committee. We are going to have some questions.

Q71 **Lee Anderson:** My question is for Graham. Thank you for coming today, Graham. After your arrest and your time spent in the cells, my inbox exploded a little bit. People were saying that it was right that you were arrested. You were described as a trouble causer, a public nuisance and someone who was there to ruin people's day out. Those are their words, not mine.

I have looked at your website, and it says that you embrace democracy. I have only one question for you. If you embrace democracy so much, why do you not put your placards away and stand for election?

**Graham Smith:** I do not know whether that is particularly relevant to the inquiry.

**Chair:** We are interested in what happened to you on that day and whether the law was appropriately and properly applied.

**Graham Smith:** I am happy to sit here and tell you all about why the monarchy is a bad thing and why we should be a republic, but we are focusing on the policing.

**Chair:** We do not have time to go into all of that today. I am sure we would like to have that discussion, Lee.

**Lee Anderson:** That was my question.



Q72 **Alison Thewliss:** Adam Wagner, will the Public Order Act have a chilling effect on peaceful protest and, if so, why?

**Adam Wagner:** You have already heard evidence that it is having a chilling effect on peaceful protest. It has been in force for only about 10 days. You heard evidence from Mr Smith that people did not turn up to this protest, which sounds like it would have been entirely lawful.

I am really concerned that it will have a chilling effect. The main reason is that there are these extremely widely drawn offences, particularly coming equipped for locking on, which, as you pointed out, could include Sellotape, duct tape, a lock or luggage straps. Almost anything you can imagine could be used to lock on.

This is only the beginning of the powers. There is a gateway offence within the scheme of the Act, which allows police to arrest and detain if they have reasonable belief that an offence is going to be committed, and to impose suspicion-less search areas. This is a tactic that has been taken from violent crime and gang type behaviour. They are imposing it on peaceful protest.

You have heard that the paraphernalia that can be used for locking on happens to be the same as the paraphernalia people bring to protests to tie together signs and what have you. You could include any particular protest in that. An officer who has reasonable grounds to believe, among other things, that locking on offences are going to be committed, for example, could search people without suspicion in that area for up to 24 hours. They can also impose serious disruption prevention orders, which will potentially prevent people from entering areas and lead to imprisonment if they do.

All of that picture or package is for your average person, not your hardcore protester who is willing to risk arrest and prison. Full respect to those people who are willing to put their beliefs on the line in that way, but the vast majority of people who turn up to protest are not those people. They are people who are going to think, "I do not want to be Suzie"—who was not even there for the protest, but was there for something else. "I do not want to be caught in the dragnet of this Public Order Act. I believe in this cause, but I am not willing to risk my job or risk being in the newspapers as a radical protester because I have been arrested or detained—no smoke without fire and all of that".

You will see a chilling effect, first of all, but secondly you will see a radicalisation of the people who end up protesting. It will end up being a self-fulfilling prophecy in a way.

Q73 **Alison Thewliss:** As an MP from Scotland, I am concerned that people coming from Scotland to London to protest against the various measures that are taken by this place might not make that trip, because they see a risk that they will not be able to get their train back or get back home in good time.



**Adam Wagner:** Yes, they are putting themselves in the sights of this incredibly wide law. I can entirely understand why they would be really worried. The point Graham made at the very beginning is very important. I act for lots of people who have been detained by police with cause and without cause. It is an extremely traumatic experience.

You heard Graham say that he had his phone taken off him, as did others. These are really oppressive potential powers. They are necessary to prevent crime, but why would you risk it? It turns peaceful protest, which is a really important part of democracy, into something that is a real personal risk.

Q74 **Joanna Cherry:** Adam, you heard the questions I asked the police officers about balancing the right to peaceful protest with the need to protect those who might be impacted by such a protest. Can you tell us a bit about where you think the balance should be as a matter of law? Can you tell us whether the Met Police got the balance right on the day of the coronation?

**Adam Wagner:** As a matter of human rights law, the balance should be very clearly on the basis that peaceful protest is permitted unless it is likely to lead to violence. There may be some wriggle room around that, such as blocking the highway or committing criminal offences. In a democratic society, protest is a very important way of citizens communicating with the people in power, and that should be preserved.

The problem with the Public Order Act and the Police, Crime, Sentencing and Courts Act is, whether you describe it as a balance, whether you put human rights at the top of a hierarchy or however you conceptualise it, undoubtedly this legislation is changing the balance. It turns disruption, which used to be part of the accepted collateral impact of a protest, into a crime. Once you do that, it makes it seem like all protests, and in particular political protests, which a lot of protest is, are a bad thing for society.

The problem with that is that, in a democratic society, peaceful political protest, in human rights law and in our British tradition, is a political issue. It is a matter for politicians. This legislation turns it very much into a police issue and a public order issue. With the greatest respect to Matt Twist and the Metropolitan Police, who try to deal with that balance, if the scales are being tipped, as they are by this legislation, it is going to be very difficult for them to achieve the right balance in a democracy.

Q75 **Joanna Cherry:** Adam, just looking at the evidence Suzie and Graham have given us—I am qualified in law north of the border and you are qualified in law south of the border—in Scotland, we have a concept of wrongful arrest. Where there are not proper grounds for it or where somebody's human rights have been breached, people can sue for wrongful arrest and seek damages for the trauma of being locked up for hours on end when there is no good reason for it. Is it the same in England?



**Adam Wagner:** Yes. It would also be false imprisonment or unlawful detention, if there were no reasonable grounds for arrest. The one thing Mr Twist did not mention is that there does not just have to be reasonable grounds; there also has to be a necessity to arrest. It is a two-part test. You can have a suspicion, but the officer in charge has to look at the circumstances and say, "Yes, I have that suspicion, but do I need to arrest? Is it necessary to arrest and detain this person?"

You have to ask that question. It is difficult to know, without seeing the full facts of any case, what the legal answer is, but I suspect, as much as Mr Twist was defending those actions, there will be some fairly swift settlements of those cases.

Q76 **Tim Loughton:** Mr Smith, I preface my question to you by saying that I am sure there are people on this Committee who fundamentally disagree with your views and those of your organisation, and those who fundamentally agree. That is not the point of today's questioning. All of us are agreed on your right to protest your cause. The issue is the proportionality and the policing of that.

Can you tell me what you and your organisation hoped to achieve on the day of the coronation?

**Graham Smith:** We were very clear in the run-up to this that we wanted to challenge what, in our view, was not a national celebration but a royal and state celebration, which polls were showing a minority were enthusiastic about.

We wanted to use the opportunity to get our message across, which is that in a democracy we should have an election instead of a coronation. Instead of being told, "It is going to be Charles", we ought to have a choice about our head of state. We wanted to be very clear in front of the world's cameras that we are not a nation of royalists. While that view is often projected in the media, the polling shows that people's views are quite nuanced and divided. We wanted to create that debate and get people's voices heard.

I appreciate that a majority still support the retention of the monarchy, but the polling is very different. Essentially, like any protest group, we wanted to be very clear about our message and get that message out to a wider audience.

Q77 **Tim Loughton:** Were you more successful in getting publicity for your organisation and your cause because eight of your members, including you, were arrested? This seems to have scored you rather more headlines, and today's proceedings here, than if none of you had been arrested.

**Graham Smith:** I would not use the word "successful". I would say it is the case that we had more coverage. It was not a success in the sense that we did not aim to do that and I would not wish to do that. It was a very heavy price to pay for that coverage in terms of the loss of liberty of





eight of our people, both staff and volunteers, for a whole day and all the stress that comes with that, as well as the very serious impact on people's rights to protest. I would much rather the police had honoured their assurances and allowed us to get on with the protest as planned.

**Q78 Tim Loughton:** You just said that your aim was to get maximum publicity for your cause and your beliefs. That is perfectly reasonable. Those eight people being arrested and subsequently what has happened has made it impossible to ignore, which is what you wanted, was it not?

**Graham Smith:** Yes, but as I said, that was not our objective. We were very clear on what a successful day meant for us. We wanted to be able to protest peacefully, to have speeches, to be near the procession route and during that peaceful protest to attract attention in the national and international media. That was success, in our mind, and that did not happen. Yes, as a result of those arrests we got much more publicity, but in our minds that is not a successful peaceful campaign.

**Q79 Tim Loughton:** What part of those intended activities would have made it impossible to ignore?

**Graham Smith:** It was the fact we were there in fairly large numbers right on the edge of the procession and we had other protests along the route. By doing that, we were engaging with the media. The broadcast media would have had an obligation to engage with the fact that there are both protesters and a diversity of opinion around the issue.

**Q80 Tim Loughton:** That did not happen, did it? I cannot recall any footage of your organisation's protesters in Trafalgar Square. I absolutely, as does everybody else, recall what happened to eight of your protesters.

**Graham Smith:** Indeed, yes. I would certainly be taking that up with the BBC because I have complained to it many times. Its coverage of royal events is atrocious. The fact it did not cover it is something you will have to take up with the BBC.

**Q81 Tim Loughton:** We can all complain about the BBC in various terms. On your website, it says, "On Saturday 6th May the eyes of the world will be on the coronation." I would agree with that. "This is the moment we make our objection loud, visible and impossible to ignore", and it invites people to sign up for that.

What really was your intention? Could anybody reading that have got the impression that there was something rather more severe planned than a peaceful demonstration involving a few placards, which may or may not be ferried to the place of protests by some combination luggage straps?

**Graham Smith:** No. We have a history of peaceful protest. We had been very clear about what that protest would look like. We had about 2,000 people telling us that they would be there and they would be amassed in a crowd on Trafalgar Square. If the cameras, the BBC and everybody else were covering it reasonably and fairly, you would have seen it as part of the coronation coverage. That was our plan.





Whether that would have worked I do not know, but that was the plan. We are a peaceful campaign group. We always have been. We have never had any intention of causing any disruption, as we have made clear to not just the Met but every other police force wherever we have protested. No, it is not reasonable to make any conclusions—

**Q82 Tim Loughton:** What is your definition of disruption? You have said that you had loudspeaker equipment and megaphones. The majority of people who located themselves on the route were there to enjoy the spectacle, the bands and the music that went with it.

If you had somebody bellowing, with the use of a megaphone and loudspeakers, things that were contrary to what people had come there to see, that surely is disruptive for the many hundreds of thousands of people who had come there to enjoy the spectacle, the music and everything that went with it.

**Graham Smith:** Arguably, yes. The point is that there were people who were there to demonstrate their support for the monarchy, and there were people there who were demonstrating their opposition to the monarchy. Both had equal rights to be there, and there were far more of them, so therefore the noise of them would be louder than we were. There were more of them so they would be more visible. There was plenty of space where people could watch the procession without us being there.

**Q83 Tim Loughton:** Why was it necessary to have megaphones and loudspeaker equipment if it was not intended to be disruptive?

**Graham Smith:** The disruption we are talking about in the context of this discussion is the disruption of locking on, getting into the route and that sort of thing. If we are talking about disruption in terms of diminishing their PR, that is a whole different matter.

**Q84 Tim Loughton:** When people are there to listen and take in the spectacle, is a megaphone and use of loudspeakers not, by your own definition, disruptive? That is what you intended it to be.

**Graham Smith:** Protests want to be noticed.

**Q85 Tim Loughton:** Is it disruptive or not, Mr Smith?

**Graham Smith:** It is disruptive only in the sense that it is disrupting the PR aspect of the parade.

**Q86 Tim Loughton:** It is not about PR. It is about the hundreds of thousands of people who came to enjoy the spectacle, listen to the music and various other things.

**Graham Smith:** Thousands of people—

**Tim Loughton:** The use of a megaphone and loudspeakers to drown that noise out is, by your definition, disruptive. That was your intention, was it not?



**Graham Smith:** We raised these matters with the police, and they were very clear that it did not breach the law. We could not physically disrupt the peace because there were many more of them than there were of us. Even with amplification, they had no concerns with it.

I should say, again, they were abundantly clear that they had absolutely no concerns about any of our plans whatsoever right up until Friday 5 May. This is not disruptive in the sense you are trying to suggest.

Q87 **Carolyn Harris:** As a politician, I have been known to protest. I have been out there on Parliament Square with a whole lot of menopausal women. We have had our say; we have had an opportunity to vent how we feel. Adam, do you think what happened on that day is going to stop that kind of passive protest? Are we going to see more aggressive protesting? Will people be afraid? Will people like me, who do not want to get into trouble with the police, be afraid to have our say and will the door be open to more aggressive protesting?

**Adam Wagner:** This language is really interesting: “aggressive protest” and “passive protest”. Mr Loughton has been talking about disruption. Protest is about getting yourself heard, particularly by people in power but also by your fellow citizens. In a way, the perfect protest movement is a mass protest movement where you have lots of people who agree with you because you have convinced them that that is the right idea.

These laws are really focusing in on those mass protest movements, and they are making them a lot more difficult to organise. The genesis of the powers in the Public Order Bill came originally after Extinction Rebellion. They were not in response to Insulate Britain and road blockages; they were about the mass protests from Extinction Rebellion, which were for the most part peaceful, creative and engaging. They engaged people with the ideas; they were very politically focused.

We should be encouraging that in society. One of the reasons for that is that we want new ideas. That is really important. The other reason is that a good democracy understands that protest is a safety valve. It is a release of pressure. It allows people to go out and say, “This is what I feel; this is important to me”, and to do it in a way that is a bargain. The case law in the courts talks about civil disobedience and the bargain between society and the individuals.

It is worrying. Mr Loughton’s questions, for me, were almost quite sinister. I don’t mean that as a personal point; I just mean the questioning itself, as in, “You bring a loudspeaker to a coronation”—to a political event. It is not just everybody enjoying themselves. It is a highly political event, the coronation of a constitutional monarch, in a system where people disagree and agree vehemently with whether there should or shouldn’t be a king. The idea that you could not bring a loudspeaker to a protest—loudspeaker amplification is the bread and butter of mass protest—is really worrying.



That is the direction of travel. Politicians are saying, "You were just trying to disrupt things with your loudspeaker. People were just enjoying themselves". I think that is really worrying. It is worrying for democracy. We are in the early stages of it, but we need to take a check now.

**Q88 Carolyn Harris:** Suzie, can I come to you? Congratulations on the work you do. We have a similar outfit in Swansea called Street Pastors. The work you do is so important, and I thank you for that. Has what happened to you put you off volunteering? Will it put off other people from becoming involved in things like this because they could, similar to what happened to you, end up in potentially difficult circumstances?

**Suzie Melvin:** It has not put me off personally, but I can certainly see that it would dissuade other people from volunteering, if there were a risk that you could be arrested and detained in the course of carrying out your volunteering. It certainly is a worry.

**Q89 Carolyn Harris:** I have one last quick question. You go out on a regular basis. Throughout your ordeal, did you encounter any police officer who you knew from your previous trips out with the Night Stars?

**Suzie Melvin:** No. The police officers who were dealing with us were from a different area from London. The areas they normally covered did have similar organisations as well. I gave the names of some of the Metropolitan Police officers I do know from the Soho area. I do not believe any of them were contacted.

**Q90 James Daly:** Mr Wagner, you are not here as a lawyer, are you? You are here as a political activist. You are giving opinions, political opinions. Calling my colleague Mr Loughton "sinister" is a new one for this Committee. If you are here as a political activist and you have set political views, it was up to the Committee who they wanted to invite—

**Chair:** I am sorry; I am going to interrupt you there, James. We invited Adam along because he had worked with the Joint Committee on Human Rights. He is a very distinguished lawyer and we wanted to have that expertise at this hearing.

**James Daly:** Do distinguished lawyers call Members of Parliament "sinister"?

**Tim Loughton:** It is a bit rude.

**Chair:** I am not going to stop you asking your questions, but I just want to make it clear that Mr Wagner is a very experienced expert in the field of human rights law. That is why we got him here today.

**Lee Anderson:** An expert at what—insulting people?

**Chair:** Nobody is insulting anybody in this room, so let us be clear about that. We are not making this personal. We are looking at the facts of what happened and we are trying to get to the point where we understand the decisions and why they were made. Perhaps we could do



it on that level, James.

**Adam Wagner:** Can I just respond to that? I did not mean that at all; I said it was not personal. The idea that you question the head of a protest movement for bringing a loudspeaker is a sign of something really difficult and dangerous in our democracy.

**James Daly:** You used the word “sinister”, Mr Wagner.

**Adam Wagner:** I thought the questioning was sinister. I am sorry; I did think it was.

Q91 **James Daly:** Mr Smith, one of the concerns I have in respect of this hearing—this has been raised before—is that we appear to be having a discussion regarding a set of circumstances where some of the people involved in this are not here. You have given your take. You have accused people of being dishonest and various other things. There is no way of me testing that evidence here because the police officers who were present, who arrested you, have not been invited before this Committee and they are not able to give their side of the story.

I do not really know what I can ask in respect of that. As far as I can see, from the information we have, you came down here to protest and those police officers appear to have taken a view, based upon intelligence and the items that were either close to you or in your possession, and in the possession of the other people who were arrested, that they had legal grounds to arrest you. That is basically all we can establish, isn't it?

You dispute that. They say they did have legal grounds. That is that, isn't it? That is basically the height of what we can talk about here today. If we are going to get to the point where Select Committees of this House turn themselves into courts, we are into a very difficult set of circumstances.

**Graham Smith:** That is not the case. You are more than welcome to invite the 50 members of the tactical support group. That is entirely up to the Chair of the Committee.

**Chair:** I apologise for interrupting you. I should just make it clear that, when we contacted the Metropolitan Police, we did ask—James, you had requested this—whether the officers who were on the front line that day could come and give evidence or explain what happened. The Metropolitan Police took the decision that they would send Assistant Commissioner Twist. That was its decision. That is why we are in the position we are in today, just so everyone is clear.

**Graham Smith:** It is perfectly reasonable for someone who was detained for 16 hours without any intent or motive even to commit any crime to say quite clearly—and to express the view of my solicitor, who said this quite clearly to the officers in the station and the PACE officer—that this was an unlawful arrest and detention.



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The motive is also an important point, which I did point out to them. We pointed it out to the officers we had liaison meetings with. I was at pains to stress that we had no intention whatsoever of doing anything such as—these specific things were talked about—locking on, throwing anything on the route, getting into the route or anything else that would cause them any concern.

We were very clear that we did not want to cause the police any concern, which is one of the reasons why we were liaising with them. I told them that, aside from anything else, we do not have any motivation whatsoever to do that because it would be an incredibly stupid thing for an anti-monarchist campaign to do. I fully accept that we do not have a majority on side, and I fully accept that our job is to present both our case and ourselves as reasonable people with a reasonable message. You will not necessarily do that by disrupting the coronation.

**Q92 James Daly:** Given the set of circumstances that were in play at the time, the police were put in a position where they were looking to protect the safety of hundreds of thousands of people, together with horses and other people involved in the coronation. It is curious to me, Mr Smith, that you never once mention the issue of the public protection of hundreds of thousands of people as an important factor in what is going through your intentions when you are going there.

**Graham Smith:** We had discussions about that with the police. We did our own risk assessments. We took decisions in relation to what we were doing and how we were doing it. We recruited our own volunteer welfare officer. We had other people specifically to manage and hold the large flags.

We were very clear about our impact on the people around us. We have had protests in other cities where we have engaged with the people around us in good humour. We have made it very clear that we are not protesting against them; we are protesting against the monarchy.

**Q93 James Daly:** Just going on from that, tell me what it is specifically in the Public Order Act that you disagree with, that you dispute and that you think is not needed, in response to the concerns of the constituents I represent and all of my colleagues.

**Graham Smith:** If there is a law that allows people to be rounded up without evidence and detained for 16 hours—

**James Daly:** It does not. That is wrong.

**Graham Smith:** It is not wrong. Excuse me.

**James Daly:** What you have just said is 100% incorrect.

**Graham Smith:** You might want to talk to the young woman from Australia who was rounded up without evidence and ask her about that. She spent hours in—



Q94 **James Daly:** How do you know that? Mr Smith, I was a criminal lawyer for 17 years. Like Mr Wagner, I have dealt with many cases of unlawful arrest. You are creating the impression that this is some unique situation. This is a situation that happens every single day throughout the country in every police force.

**Joanna Cherry:** What—unlawful arrest?

**James Daly:** Absolutely, yes.

**Joanna Cherry:** In Scotland it does not.

**Chair:** We will take it one at a time. You can respond to that, Mr Smith, and then I am going to take Marco Longhi.

**Graham Smith:** I will just reiterate that there was not a single piece of evidence of any intent or capacity to commit any crime when they detained us for searching. They then released a statement saying that we had been arrested for conspiracy to cause a public nuisance, which was not correct. They later rearrested me for that in order to make my arrest record match their press statement. It had all the hallmarks of being predetermined. It was said earlier by Mr Twist that they had tried to be as helpful as possible. That was absolutely the opposite of what they did. I have done many other protests where they have been very helpful, where we have discussed things.

As a contrast—this is an important point—one officer could have come up and asked us who we were. They could have then spoken to the liaison officer. If they had said, “Do you mind if we look in the van?” we would have said, “Go for it”. If they had raised concerns about the straps, we would have explained, as we did, what they were for. We would have told them that they would be put back in the van and the van was going back to north London, and we would have carried on our way. Instead, they detained us, confiscated the placards and then continued to disrupt and diminish the protest all the way through the day.

**James Daly:** I do not accept that for a second. That is completely contradicted by the evidence of the police. We are turning this hearing simply into giving you a platform to say things for which there is no evidential basis that we can challenge in this room. I do not know why.

**Chair:** Well, we are not a court of law. We are just inviting people to give their accounts of what happened.

**James Daly:** They are unchallenged accounts.

**Chair:** We are not a court of law, James.

Q95 **Marco Longhi:** Ms Melvin, can I also thank you for the work you and your colleagues do? What happened to you does appear to be very unfortunate. Would it be your judgment that the police, given the extremely high stakes and the very high tension of the situation on the





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day, simply made a mistake or do you believe there might have been some malicious element to their actions?

**Suzie Melvin:** I fully accept it as a challenging situation for the police. I was informed by the officer who arrested me that they were specifically looking for the Night Stars; they had been told where we were going to be and we were not there; but they were later told where we were in Soho Square and then found us, which would suggest they had received some intelligence that we were involved in—

Q96 **Marco Longhi:** The intelligence might have been around the fact that you were giving out rape alarms. These devices can cause very high-pitched noises and could have caused a sudden occurrence to happen among the horses parading and, therefore, potentially an incredible amount of harm to people.

Given that the judgment by police officers on the day was risk-based, they perhaps had to take a view that was unenviable because they thought the stakes were simply too high. In retrospect, it seems like they perhaps made the wrong judgment, clearly, but there was no malicious intent in doing so.

**Suzie Melvin:** We do carry rape alarms, which are part of a larger anti-spiking kit. Neither I nor any of my colleagues have ever handed out a rape alarm. Across the three of us, we had potentially three or four rape alarms on us. In searching our bags and in talking to us, I am not sure why we were then arrested and detained.

Q97 **Marco Longhi:** As I said, there is a potential of a mistake having taken place, but there was no malicious intent in doing so.

**Suzie Melvin:** I cannot comment. I would not have thought so. I would hope not.

Q98 **Marco Longhi:** Mr Smith, you have made a big play today on the fact you engaged a lot with the police. I clearly commend you for doing so. Would you also accept this? It is well known that protest groups of all sorts might describe an intent with a view to misleading and, therefore, the police authorities again have to take a risk-based approach. They have to consider whether that position is entirely correct.

You have seen today that people came in wearing particular clothing. Their intention was to sit behind the witnesses and simply to observe proceedings, but what they did was completely different. I do not want to compare you to Just Stop Oil, clearly, but policing authorities also have to take a risk-based view. What is being said to them might not entirely be the case because there could even be an intent to mislead in order to achieve an outcome.

**Graham Smith:** Indeed, but the point with us is that we had been speaking to them for four months and they had made it abundantly clear that they had no concerns. Even on the Thursday or the Friday beforehand, they issued a statement because there was some concern





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around other statements that had been made about having a low tolerance for protest. They were quoted in the *Telegraph* as saying they would engage with us and allow us to continue with our protest.

It has been pointed out by the police officers and elsewhere that it is not good enough to simply see someone in possession of something that may or may not be a lock-on device. They need reasonable grounds for suspicion of intent, which they could not possibly have had because there was nothing in anything we have done, said or communicated that would suggest such intent.

As I have said, it is also a matter of proportion. As I just described, they could have simply had a conversation with us. Their hostile tone from the moment they turned up made it very clear they were not interested in any such discussions. As I said before, I immediately said, "We have had these conversations". I named the superintendent we had met in person. I named the liaison officer and attempted to phone her, and he twice stopped me from doing that, including grabbing my wrist and removing the phone from my hand.

There was no engagement at all. As I understand it from the letter and as was said before, the arresting officer spoke to the bronze commander, and I also know that the bronze commander was engaged, briefed and all the rest of it.

Yes, it may happen, but we are making it so broad that we are just saying, "Well, these things may theoretically happen. Therefore, we can arrest you because you have something that may theoretically be used to lock on". I have turned up today with five lock-on devices on my person: my tie, my watch, my belt and two shoelaces. Someone could have phoned up the Met and said, "He is planning to lock himself to the chair during the middle of the Committee". Should I spend 16 hours in detention due to that so-called intelligence and those so-called lock on devices? There has to be quite a serious—

**Q99** **Marco Longhi:** With respect—I am sorry to interrupt because I am very mindful of time—you cannot really make such flippant comparisons given the fact that, as I described just a few moments ago to Ms Melvin, the events of the day were clearly extremely high stakes and extremely tense for all sorts of reasons. If a police officer is given reasonable doubt and suspicion that something perhaps untoward could happen in that particular context, which on a different day in a different context might be interpreted differently, they perhaps had no choice but to take the actions they took.

**Chair:** Marco, we do not need to rehearse this again.

**Marco Longhi:** The response I received before about shoelaces, with the greatest respect, Madam Chair, is a flippant response to a valid point I was making.



**Graham Smith:** I would repeat the fact that there are many things they could have done short of the heavy handed arrest of me and my colleagues.

Q100 **Simon Fell:** I am going to be incredibly brief because I am very aware of the time. I just want to get a couple of facts on the record. Mr Smith, you had dialogue with the Met ahead of the coronation. I am keen to understand the level of detail you got into over your plan. For instance, did you tell them there would be straps in the back of the van, that there might be combination locks in there and that you would be driving, I assume, a transit van into central London and unloading on the day? Was that all in that dialogue?

**Graham Smith:** Well, some of the minutiae of the logistics might not have been communicated with them because we had already established a pretty good relationship and they knew we were going to be transporting 600 placards. We told them that 600 placards were being transported. I do not know whether it needed to be spelled out that we would need a van for that.

The luggage straps were very late in the day because we only had delivery of the placards very late in the day. We realised that, to keep the placards on the trollies, we would need to strap them on.

They did say to us and other police forces have said to us that the reason why they like this dialogue is so they do not have any surprises on the day. It should not be that difficult simply to engage on the day and continue that dialogue. People talk about short timeframes. There was four hours between us turning up and being arrested and the procession. We were well away from the procession route. It would have been very easy to continue the dialogue, speak to the liaison team again and, if they needed to, take the straps off us.

Q101 **Simon Fell:** I appreciate that, but we were all here as they were setting up in the days before, and we saw the amount of effort going into clearing paths and making sure everything was prepared in advance. I am trying to understand whether the Met Police was expecting a transit van to drive into central London and start unloading on the morning or not. Was that the sort of conversation you were having with them?

**Graham Smith:** I believe so, yes. Again, it was not in the controlled area. There were other vans on the same street, as well as taxis. The van was within the normal public access area. They certainly knew that we would be turning up with 600 placards. Whether I needed to tell them the nature of the van that would be required for that I cannot really recall.

They would have known that we would have been descending on the square in good order quite early on. We did tell them we would be there at 6 am. We were quite clear about what equipment we would be bringing down there. As I said, the straps were there to minimise



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disruption and disorder so they would stay on the trolley and we could move them as quickly as possible.

Q102 **Simon Fell:** Would you be prepared to share the correspondence you had with the Met in advance of this?

**Graham Smith:** Yes, I have emails between myself and the liaison officer. I do not see any particular reason why you should not see them.

Q103 **Simon Fell:** Thank you very much. Ms Melvin, ahead of the incident that happened to you, did you have any dialogue with the Met Police about the incoming legislation, what it might mean for you and your operations, and how you might need to engage with them in the future?

**Suzie Melvin:** Not directly, no. I am aware that members of Westminster City Council were in regular dialogue with the Met Police, particularly in the lead-up to the coronation events. They were not made aware of any suggestion that we might be involved in any plot to disrupt the coronation.

Q104 **Chair:** Could I just ask one question about the letter that was sent on 27 April setting out the incoming legislation? Have you ever received a letter like that before, setting out the changes?

**Graham Smith:** No, never. I was quite staggered. I know the officers before said that it is not unusual, but we have never had any communication from the Home Office at all. It struck me as the Home Office interceding into a relationship between us and the police. It seemed a very odd and inappropriate thing to do. If they wanted the police to brief us on such things, they could have done that through the liaison officer. As I have said on record, it certainly gave the impression of being intimidatory. That is an unproven allegation, but it is certainly how it felt.

Q105 **Chair:** Adam, have you ever come across the Home Office writing out to protest groups setting out changes in the law?

**Adam Wagner:** No. I have a little bell in my head about what was going on during covid. There may have been some sort of communication. I have not seen it as a general thing: "There is a new law". This is quite unusual because it was a major new law that came into effect hours before the event. It was an unusual situation.

Q106 **Joanna Cherry:** Adam, I just wanted to ask you about this notion that disruptive protest is in itself criminal. Would the criminalisation of protest merely because it is disruptive be in line with the state's duties to respect the rights we have under articles 10 and 11 of the ECHR to freedom of expression and freedom of assembly, and, if not, why not?

**Adam Wagner:** As Mr Twist rightly said, the right to freedom of expression is a qualified right so it can be limited if there is a legitimate aim. The aim could be protecting public safety; it could be various other things. It is a qualified right so you can limit it. You can do things like



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stopping people protesting on roads. We have had a law against the obstruction of the highway for a long time.

It really depends on what you mean by "disruption". The threshold for disruption can be set very low. My concern about the current police Act is that it is set at a level that includes very noisy protests. That could include any successful protest, apart from a silent protest. We will find out whether the courts in the UK and potentially in Strasbourg consider that to be an undue restriction. The restriction cannot be in the abstract; it will have to be in the way it is enforced.

You will potentially see individual cases going to the courts and to Strasbourg, to the European Court of Human Rights, to decide where the correct limits of the legislation are. I don't know, but the balance is concerning to me.

Q107 **Tim Loughton:** Mr Wagner, I will try not to be sinister. We have only concentrated on the Republic protesters. Were those who were arrested from Just Stop Oil treated unfairly?

**Adam Wagner:** I don't know the individual facts of those cases at all. It is not for me to say whether it was fair or not. It is just a question of whether it is lawful, and I just don't know.

Q108 **Tim Loughton:** Should they have a right to be able to do go-slow demonstrations in front of traffic?

**Adam Wagner:** It depends on the circumstances. There is case law in the European Court of Human Rights about go-slow demonstrations. There was a case, possibly in Lithuania, where farmers unions were driving tractors along roads to block traffic. Their criminal convictions were found to be unlawful.

Q109 **Tim Loughton:** They could have a case for a go-slow demonstration that would not break the law.

**Adam Wagner:** Potentially, yes. Before the new go-slow regulations, there have been injunctions trying to prevent people from slow walking on roads.

Q110 **Tim Loughton:** If a group of Just Stop Oil protesters had jumped out in front of the royal coach on coronation day and done a go-slow in front of the coach, would that have been legitimate or not?

**Adam Wagner:** I cannot answer on legitimacy, but it potentially would not have been lawful because it would have been obstructing the highway without a reasonable excuse.

Q111 **Tim Loughton:** You have just said that there is a difference in magnitude between the event of the coronation, which would not be legitimate, and Just Stop Oil protesters doing what they have been doing again this morning, which might indeed be legitimate. The coronation was an altogether different event, was it not?



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**Adam Wagner:** I don't think it was a different event, particularly.

**Tim Loughton:** You have just admitted that.

**Adam Wagner:** I don't know if any of those events, whether on Westminster Bridge or blocking the coronation, would be lawful or not. It depends on the facts.

Q112 **Tim Loughton:** You have just said that the coronation was of such a magnitude, effectively, that differential policing of it would be justified. That is correct, isn't it?

**Adam Wagner:** That might be what you took from it, but I do not agree. That is the way the Metropolitan Police handled it, and it is what you heard from Mr Twist and the commissioner. They were saying this was a once-in-a-lifetime event and all of that. The flip side of that is it is a once-in-a-lifetime political event to protest at. I do not know whether that stacks up.

The honest answer is that every event should be policed in a way that is particular to that event and with its own factors, but there is no reason in principle why the coronation would be different to Westminster Bridge.

**Chair:** That is an interesting point to end on. Can I thank all three of you, Graham, Adam and Suzie? You have been asked some quite challenging questions.

**Tim Loughton:** Yes, and legitimate.

**Chair:** I am not saying they were not legitimate, but they have been challenging. Graham and Suzie, we particularly appreciate you being able to come to talk to us today and explain what happened. We very much appreciate that. I wish you all well. Thank you so much for your time.