



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Uncorrected oral evidence: [Democracy, privacy, free speech and freedom of association](#), HC 1890

Wednesday 24 April 2019

3.10 pm

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Members present: Ms Harriet Harman (Chair); Fiona Bruce; Ms Karen Buck; Joanna Cherry; Baroness Hamwee; Baroness Lawrence of Clarendon; Jeremy Lefroy; Scott Mann; Lord Trimble; Lord Woolf.

Questions 7–18

Witnesses

I: Marcial Boo, Chief Executive, Independent Parliamentary Standards Authority; Commander Adrian Usher, Commander Protection Command, Specialist Operations; Eric Hepburn, Parliamentary Security Director; Rt Hon Sir Lindsay Hoyle MP, Chair of the Consultative Panel on Parliamentary Security.

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Examination of Witnesses

Marcial Boo, Commander Adrian Usher, Eric Hepburn and Sir Lindsay Hoyle MP.

Q7 Chair: Thank you very much to our witnesses for joining us at this session. As you know, we are the Joint Committee on Human Rights. Half our members are Members of the House of Lords and half are Members of the Commons.

The purpose of this inquiry, which we are very grateful to you for your help with, is to look at the balance between, on the one hand, freedom of speech, freedom of expression and the right to protest and, on the other, the safety of our MPs and our democracy.

To assist members of the public and anyone who is watching this on broadcast, I shall introduce you one by one. Sir Lindsay Hoyle is Senior Deputy Speaker and, in that capacity, responsible as chair of the Consultative Panel on Parliamentary Security.

From the Metropolitan Police we have Adrian Usher, whose command is responsible for security at the Palace of Westminster. In that capacity, he is responsible for the Parliamentary Liaison and Investigation Team, PLAIT.

We have an employee of the House, Eric Hepburn, who is director of our security, and Marcial Boo is chief executive of the Independent Parliamentary Standards Authority, IPSA, which funds MPs' expenses, including expenses for security measures. We are grateful to you all for coming.

I will kick off the questioning session by saying that I think we all feel that there is a very strong commitment across Parliament to the right to demonstrate, freedom of speech, the right to protest and the right to challenge our institutions. However, none of us will or should forget the murder of Jo Cox, the killing of PC Keith Palmer or the attempted murder of Rosie Cooper. Do you believe that we have got the balance right between respecting the right to protest and ensuring that safety and security of our MPs and our democracy? Who would like to start? Lindsay? Sir Lindsay, sorry.

Sir Lindsay Hoyle MP: "Lindsay" is much easier, Chair. Have we got the balance right? We are always trying to ensure that we are ahead of the game, not behind it. The fact is that the tragic murder of Jo Cox meant that we were robbed of one of the future stars of this Parliament. That hideous crime was a wake-up call for security and for MPs. The tragedy of Keith Palmer dying in the courtyard of Parliament during the attack showed how serious our job is but also how vulnerable we are to attack. MPs used to be very reluctant but have now recognised that they have to work together and we have to take security measures seriously.

What we cannot do is stand still. I reassure you as chair that we take that role seriously. We are trying all the time to improve the number of security measures in place for MPs. That process is continuous; it has not stopped. Only this morning we had an important meeting where everyone

came together to ask what more we could do, how we could put it in place and how quickly we could make it happen. I assure you that that is what we are doing. If need be, rather than me describe the details here, I am more than happy to put them in writing to you to let you know where we are up to and what we are trying to achieve next.

Chair: Do the police feel that they are struggling with that balance, and do you feel that your officers always know where to draw the line?

Commander Adrian Usher: There are two aspects to this from our point of view. The first is to ask whether we have got the legislative framework right for our officers to be equipped to keep the peace, keep our MPs safe and keep the very heart of our democracy functioning.

The second is to ask whether we have the tactics right—both the security tactics and the measures that we take to keep people safe, and the policing tactics, whether in protests or in protecting individuals. We keep that under almost constant review. There is currently a review in Parliament of the appropriate tactics for security measures, both physical and personal, the advice that we give and the options available to MPs to keep themselves safe. I reiterate the sentiment behind what Lindsay said: the police, working very closely with parliamentary security, take the issue very, very seriously.

With regard to the tactics for police officers on the street who are enforcing some of those laws, it is a daily struggle for them in the environment of a free and liberal western democracy in which we live. Trying to make individual decisions in individual cases on a daily basis, whether that is in a protest environment or in day-to-day policing, is difficult, but those officers have the right support behind them in the form of police leadership and CPS guidance to help them to make those decisions every day.

Chair: What about the answer to the first question that you posed?

Commander Adrian Usher: It is legislative. All our minds are focused currently on protest because of the recent events connected with Brexit and the climate change protest that is being conducted at the moment. I am very keen to say that we need to move away from the language of “peaceful protest” to talking about “lawful protest”. A protest being peaceful is only one of the attributes of a protest which the police would say make it lawful.

We are absolutely in the business of facilitating lawful protest. Thankfully, because of the liberal democracy in which we live, many opportunities are afforded to the public to exercise that right to lawful protest, and we will always facilitate it. Where protest steps over into being unlawful, whether you consider it to be peaceful or not is a moot point or open to argument. We will conduct a sober review of our tactics against recent protests, which is likely to say that the legislation associated with policing protest is quite dated, that policing and protest has moved on and that legislation should follow suit.

Q8 Ms Karen Buck: We have some statistics on what we believe to be the number of incidents that have been reported by Members of Parliament, but certainly anecdotally there is a sense that not everything is reported.

Could you each give us your perspective on the genuine scale of the problem, and paint a bit more of a picture—we know both from the reports and from anecdotal conversations that some of the abuse is sexist, misogynistic, racist, homophobic, sometimes involves threats to people's family and is sometimes targeted at people's homes—so that we can get a sense of the range of different types of threat?

Sir Lindsay Hoyle MP: I take that on board. Do I think that all threats are reported? Absolutely not. Do MPs have a higher tolerance level? Yes, they do. The longer we have been here the more blasé we have become—"Yes, I've had that before"—and we just let it go; we do not report it. Lots of incidents have not been reported because we have a high tolerance level that we should not have but do have. That is the first thing.

We also know that MPs' offices are very good at trying to protect the Member and do not tell the Member everything that is going on. So, once again, that is not reported. MPs come to see me and say, "I'm not going to report it, but I want to share it with you", so I know that there is a lot more that is not reported because I am not going to go against an MP's wishes.

But I listen and try to give advice, and I always give support. That is why I think it is so important. I have an open-door policy: "Please come and see me. Sit down and I will try to help solve those problems". I also press them to report it officially. I would not go against an MP's wishes, but I know that MPs sit on a lot of issues that should have been reported. That is the problem that we face.

Ms Karen Buck: I do not want to lose sight of my original question, but this is a really important point: why is there so much underreporting?

Sir Lindsay Hoyle MP: As I say, it is because we have a high threshold that we should not have. If we were in any other walk of life, I do not think we would accept the level that we have got to. We come here, we are elected, and we begin to soak it up as the norm and consider it acceptable when it is not acceptable. As I say, there is that tolerance level, which is much higher than anybody else would allow. Nobody else would put up with what MPs put up with. A lot of it is very serious and there are real threats out there.

Also, I have a real concern that it is not just aimed at the Member but at their family and at members of their staff, who we have a duty of care to. It does not stay in this House but goes across to the other House. It may not be in the same numbers, but we know that threats are made to both Houses and we take it on board when we should not. It is about that threshold and about trying to get Members to report it and get it recorded. That is what is so important to us.

I will be quite honest with you: I had an incident with a particular constituent. It did not really bother me, but he was a nuisance to my staff, and that concerned me. When it was aimed at me, I did not mind, so my threshold was obviously too high. What I did not know then was that by my not reporting it he was intimidating, or trying to intimate, other Members of Parliament. That allowed us to join things up and realise that it was much more serious. That person was sectioned.

It was one of those incidents that you learn from. So it is quite right to say that we need MPs to report them, and our tolerance level has to be lowered; we must not keep it at that high level.

Eric Hepburn: I have been in post for two and a half years now, in which time I have seen a dramatic increase in the number of Members who are prepared to come forward and say that they have experienced abuse and harassment. That has been because we have done a lot of education and lectures with Members, explaining to them that it is important to report everything to us. Only by all incidents being reported can we start to build a picture of what is going on. It is that picture that, if it reaches a particular threshold, allows the police to take action.

Members are starting to get better at doing that. They understand that there is a result from them doing that.

Ms Karen Buck: You were suggesting in your answer that part of the increased level of reporting is because people are willing to report. Is that the case? There may not be a definitive answer to this question, but to what extent is there a willingness to report, and to what extent is there a changing, and rising, pattern of threats and abuse?

Eric Hepburn: There are two parts to that. Certainly there is a willingness to report, which will account for some of the increase. However, with the sheer volume of online abuse that we are now seeing, reporting and recording are growing month on month, year on year. It is absolutely skyrocketing, in my opinion, not because Members are reporting it but because it is happening a lot more.

To give you a flavour of the kind of abuse and threats that Members are receiving, they go from: physical assaults; threats to kill involving hanging, shooting, stabbing; threats of assault, including rape; anti-Semitic, homophobic, misogynistic, and racial abuse; personal abuse regarding appearance—a common feature; harassment and intimidation of a personal nature; stalking; and fixated individuals.

There are also aggressive confrontations in filming, as we saw towards Anna Soubry back in January this year in the yellow jacket protests. Action was taken after the first incident, but it was a sign that things were changing, and in my opinion it is changing quite dramatically at the moment.

Ms Karen Buck: Thank you. I do not know whether you, Mr Hepburn, or Commander Usher will answer this question, but are some people

receiving more threats and abuse than others? Are there fairly clear patterns, characteristics, involving gender, ethnicity, geographical variation?

Eric Hepburn: That is spot on. BAME and females in particular will get the lion's share of the abuse, but not just them: a lot of Members, irrespective of those characteristics, will receive that sort of abuse. It also depends on what has been debated in the Chamber, their views, and what has been reported in the press. I am afraid that that drives a lot of the online behaviour, in my opinion.

Ms Karen Buck: Again, there is probably no definitive answer to this question, but some of us who have been in Parliament a long time have experienced threats and abuse for many years that are often connected with people who have very severe challenges themselves but which are not necessarily political in nature. It feels, from the way people are talking about it, that that has changed. Do you have a view on that, too?

Sir Lindsay Hoyle MP: Quite honestly, yes. We have seen that change, haven't we? We are the last point of contact for most people. They have been around all the different organisations, rejected, turned down. Nobody wants to see them. All that frustration has built up by the time they turn up to see their MP. People become fixated when they do not feel that we have an instant answer, and they take measures that they would not normally take.

That is where the real problem is. Mental ill health is one of my biggest fears. Do I think that terrorists will target my office? No. Do I think that someone with mental health problems will? Yes. It is that care and support that is lacking. Quite rightly, they come to their MP. Everybody else has tried, but they end up with us and that frustration comes out. It is usually our staff who are there during the week, and when someone knocks on that door it is their last point of contact. With utter frustration they feel that they have to take it out on somebody, and it is the MP, or more often than not our staff, who face a lot of what they should not have to face.

Commander Adrian Usher: Certainly with regard to the hard numbers, I am seeing the numbers go up. Over the past three years, they have gone up exponentially. Two things are behind that and have been alluded to. First, the terrible murder of Jo Cox caused a lot of MPs to reframe their perception of the kind of abuse they were getting on a regular basis and what they should do about it.

Secondly, there are passionately held views in the country on a number of issues that have surfaced recently—Brexit, obviously, and two or three others that have come to the fore recently—and which are forming the main political, if you can call it that, thrust of some of the appalling abuse. We should not shy away from that at all. Some of this, and I see this on a daily basis, is truly appalling and involves misogyny, race. It really is something that we take extremely seriously.

I would say to the Committee and to all MPs that quite often MPs do not report it because they are not sure whether it crosses the criminal threshold. I would say that that, in a way, is for me to worry about. I want to hear about it all through the Parliamentary Liaison and Investigation Team. I set up PLAIT partly in response to the murder of Jo Cox and in recognition of the reality that MPs spend an awful lot of time in this House, and that if I could have a unit here that tried to achieve national consistency of response to the complaints that MPs were making, that would make sense and would also be reassuring.

I believe from the feedback I have, from comments made by MPs in the House and in private, that in general PLAIT has been universally recognised as good practice and is broadly heavily supported by MPs.

The amount of abuse has definitely gone up. Probably a percentage of every MP's mailbag is abusive. If we have seen a dramatic increase in the amount of communication with MPs over issues such as Brexit, the one question that I have not answered myself is: has the percentage of that abuse changed, and does that account for some of this, or are we seeing a step change in the number of people who are prepared to abuse MPs?

Q9 Lord Woolf: I am a former Chief Justice, and what has happened to MPs has to an extent also happened to the judiciary. However, I shall focus on MPs. My question for Mr Hepburn is: is there a problem in relation to Members of Parliament who are Members of the Lords?

Eric Hepburn: Certainly not to the same scale. We offer the same services to both Houses, which is important, but the personal security advice is taken up predominately by the House of Commons. Lords will take that up now and then, but infrequently.

Lord Woolf: Do you feel that it would be wrong to forget about the position of the Lords because of what you rightly say about the acuteness of the problem for MPs? As we have sadly learned—as I say, this situation applies also to the judiciary—you just need one person to be dealt with in a disastrous way and you suddenly realise that you have overlooked something.

Eric Hepburn: My role in the House is what we call bicameral: I am director of security for both the House of Commons and the House of Lords. With that comes a dual reporting line both to the Lord Speaker and to Mr Speaker in the Commons, which is important, because we try to give as much priority to the House of Lords as we do to the House of Commons.

We will give the same briefings and offer the same services to both Houses. We try to encourage people to come forward and talk to us about their security concerns. We are finding more people doing that, but it is still a significantly smaller number than in the Commons. However, they are certainly not forgotten.

Sir Lindsay Hoyle MP: I chair the Consultative Panel on Parliamentary Security, but its vice-chair is Lord McFall and it is represented by Peers substantially across the Cross Benches, the Opposition and the Government. It is well represented, so not only are its members informed but the same support is available.

Whatever measures are needed can be taken when a threat is established or a Member feels that there is a risk. To give you a flavour of that, a senior Member of Parliament who left the Commons to join the Lords had a fixated person. Their support did not end just because they had finished in the Commons; it carried on when they got to the Lords. It was automatically carried across to ensure that that Peer was safe.

Q10 **Lord Trimble:** This question is on the issue of threats and abuse. One used to go on the assumption that if a person makes threats he is not actually the person that you need to worry about. The one you need to worry about is the one who makes no threats. Is that still the case?

Commander Adrian Usher: To an extent. Evidentially, that is the evidence base. Take the social media context, an area in which I am far from expert. The evidence base suggests that it is not the person who makes the abusive or controversial remark against an MP who you should be worrying about but often the people who “like” that comment on social media, who are far more in the shadows. That makes it desperately difficult to police that area. Bluntly, do the police have the resources to police the internet? No, we do not.

Chair: Of course, a threat to kill is of itself an offence, is it not?

Commander Adrian Usher: It is. It is a notoriously difficult offence to prove because it contains an element of intent, and as soon as we get into intent as a point to prove, my own experience in the courts is that that is very difficult.

Likewise, the issue of malicious communications—I am very conscious of the experience of the room—runs into the question of what is free speech taken to its limit and what is criminal abuse. That question is best answered by lawyers. Helpfully, the Crown Prosecution Service recently set up a dedicated team to help us nationally to answer that question in a consistent fashion.

Q11 **Fiona Bruce:** We have heard from Members of Parliament, both in evidence to us and in interviews, that they are changing the way they work, travel and engage with their constituents. I will give you some examples. Many are stopping doing drop-in surgeries and are instead conducting surgeries only by appointments, or they are not having surgeries in more remote locations. They are changing the way their office works. Perhaps they are driving dangerously long distances rather than going by train, or declining media interviews on College Green. Many are no longer notifying the press or the public about visits or walkabouts in advance. What advice are you giving to MPs about this situation?

Eric Hepburn: We have a series of brochures that we issue to all Members when they first join, and we refresh those. The brochures will cover issues such as their general security awareness, how to hold safe surgeries and so on, so they cover a wide range of subjects.

Take some of the general sensible precautions that we give to Members—I am very conscious about surgeries in particular. We would say that when you are going to a surgery, do not promote that before you go; promote it afterwards. If you are running a surgery, do it by appointment rather than just having people turn up.

That is general advice that we are giving. People can decide to follow that or not, but our advice is that if you want to run a safe surgery we can help you to do that and you will still be able to connect with your constituents. We offer lone-worker devices for Members and their staff, and we encourage people to carry those at all times and to use them. That is the practical help that we can offer.

Fiona Bruce: Sir Lindsay, could you tell us something about the work of your panel on this?

Sir Lindsay Hoyle MP: First, we have to remember that no two constituencies are alike. Each MP will carry out their duties in a different way. This is about trying to support the Member of Parliament to carry out those duties and trying to ensure that we have the best advice that fits that constituency and the needs of constituents as well as the MP.

Ensuring that the MP, along with their staff, is safe is of the utmost importance, but of course there are also constituents. We have a duty of care to those who come to see us. It is about trying to ensure that we have better protection. The panel discusses different options and, as I said at the beginning, we have new options to go forward with. Rather than openly discussing that here, I will put it in writing—if that is all right—as one of our proposals to support the connection between MPs and their constituents. I realise that some MPs are saying, “I’m no longer willing to take the risk”. We have to try to ensure that that risk is taken away.

Fiona Bruce: Could I press you a little further and ask you whether you are concerned about the fact that this may be undermining the constituents’ relationship with their MPs, and vice versa? It might even be affecting the way MPs vote. The democratic process here is at stake. Do you agree?

Sir Lindsay Hoyle MP: I agree, and I will quickly run through them. The fact is that it is about Members of Parliament and constituents. That bond has always been there, that tradition of meeting constituents, taking up their problems and acting on them. If we lose that, we are losing a major part of the democratic process, so we have to ensure that it continues. It must continue.

MPs should not be intimidated over the way they wish to vote. If someone is being intimidated to change their vote, that should automatically be reported and dealt with, because it is intimidating the democratic process of this House. If a person feels that they cannot vote in the way they wish, that should be reported immediately to the police. If someone is making threats such as, "I will murder you if you don't do this", not only is it unacceptable but we need to get it to the police very quickly.

My bigger worry is when MPs come to me and say, "Lindsay, I don't think I'm going to stand again. I don't think I could take any more of that". I then have a real worry. I talk to colleagues, and some friends of mine have said to me, "This isn't for me any more. I don't feel I can do it any more. I've got to put myself and my family first, because I don't feel I can continue".

That worries me. What is the future of democracy for this country if we have established people who are thinking twice about standing? How will we get new people to come forward to ensure that the democratic process takes place in this country? We really have to reflect on that and make sure that there are no barriers to people standing in this country.

Q12 Scott Mann: The advent of the internet and social media sites has fundamentally changed the way Members of Parliament communicate with their constituents. My experience is that constituents tend to feel more involved when they are behind a computer rather than talking to an individual face to face, and I assume that that is probably reflected across other Members of Parliament.

We have seen this week the horrendous comments by someone standing in the European Parliament elections saying that they would not even rape one of our colleagues. There is a fine line between free speech and freedom of expression. What should we be demanding of those internet companies in order to ensure that our colleagues feel safe?

Commander Adrian Usher: I believe that internet companies are beginning to get this. We have seen recent moves by those companies to ban individuals and take other steps to take ownership of what is after all their problem and their platform. You would hold the owner of a billboard to account if what appeared on that billboard was offensive, and I believe the same is true of internet companies.

This is a double-edged sword: MPs are keen to have ready communication with their constituents, but unfortunately that means that the people who do not take the time to take a breath or indeed to sober up will communicate with MPs in the most foul way because that is easy. We take it just as seriously as if the individual had said it to their face. In law there is no difference, we see no difference, and we will seek to bring those offenders to justice in exactly the same way as if they had done it in person. However, there is no doubt that the increase in that offending is due to the ease with which you can offend.

Eric Hepburn: Social media is a particularly insidious form of abuse. Individuals seem to feel that they can act with impunity when that is absolutely not the case. My view is that there should be a zero-tolerance approach to this issue, and social media companies need to do a lot more to help combat this form of abuse. We are seeing cases going to court and prosecutions are coming from that. That is really helpful, and it is good when it is advertised and communications go out; it sends a warning to others.

What would I like social media companies to do more of? They should review their policies on what constitutes acceptable behaviour and what does not, and they still have a way to go on that. They have a lot of technology at their disposal that they could use in this battle, but currently they do not. They need to be actively encouraged to do precisely that. It is their platform, their data and their ownership.

Scott Mann: Mr Hepburn, do you think the internet companies should have a code of conduct that people sign up to when they initially sign up to the site, saying that they have to behave in a certain way that respects other people's views?

Eric Hepburn: That is absolutely a sensible way to go about it. People need to know what is acceptable behaviour and what is not. If their behaviour is not acceptable, they should not be on those platforms and those companies should not support that sort of behaviour.

Sir Lindsay Hoyle MP: Lord Bew summed this up quite well when he wrote: "Although social media helps to promote widespread access to ideas and engagement in debate, it also creates an intensely hostile online environment". That is the problem that we have seen. It is about getting that balance right.

The recent ban on extremist groups is welcome. It was a good start. When we first started talking to social media companies they did not seem interested, but now some companies are coming forward to be helpful, although others are still dragging their feet. We should have a code of conduct that people sign up to. We should have a bar that people should observe—not set by me—for what is acceptable and what is not.

If those companies fail to bring that in, we will have to legislate. The power to do so is within the House and we have the responsibility to do it. If we feel that they are not taking appropriate action, the House must do so. Just today, the New Zealand Prime Minister declared that there is no right to live-screen the murder of 50 people. She and President Macron intend to sign up to the "Christchurch call to action". We should not be having to do that. The social media companies should feel obliged say, "We want to do this". We should not have to force anyone into it; they should have the common decency to say, "This is the level that we will tolerate and nothing above it". As I say, if they do not, the House should take action.

Chair: We are going to see the social media companies as part of this

inquiry. You mentioned that some are helpful and some are dragging their feet. Could I ask you who is being helpful and who is dragging their feet, so that we can take them to task about being more co-operative with you when they appear before us?

Sir Lindsay Hoyle MP: Let me put it another way. When we have met people from Twitter they have been very good, and Facebook has come a long way. When it comes to some of the others, we have a question. They need to step up to the plate and we need to tell them where the plate is. I would ask whether they reach what their colleagues are reaching. That is the question for them to answer.

Eric Hepburn: It is probably worth mentioning that Parliament has a reasonable relationship now with the main social media companies—the Twitters and the Facebooks—and in one or two cases we have what I would refer to as trusted partnership status, which allows us, if we see abuse online, to go directly to those companies and point it out. Because we have that status, they will take it a lot more seriously than if a member of the public did the same. So we are making strides in that direction.

Chair: Or a Member of Parliament?

Eric Hepburn: Or a Member of Parliament.

Sir Lindsay Hoyle MP: Social media companies have the technology at their disposal to identify offenders and remove them immediately from their platform. There are no excuses; they have that ability. I reassure people that we monitor within the House. We have a social monitoring team that Eric set up—he is very proud of it and so am I—and MPs and Peers have given permission to allow the monitoring of what is going on there. That is something that we can continue to build on in order to ensure that MPs do not have to look all the time because they know that someone is looking on their behalf. That is very important in order to reassure Members of both Houses.

Q13 **Scott Mann:** I have a second question. It is not just social media platforms that hold some responsibility for the situation in which we find ourselves; some of the mainstream press have not covered themselves in glory when it comes to the language that they have been using on the front pages of newspapers, with target sights trained on MPs or language such as “Traitor”.

Everyone has their own view of where this thing is going to end up, and using that kind of language is not helpful to anyone. It definitely heightens the environment in which we find ourselves. What should we do about the media companies that sometimes step over that threshold?

Commander Adrian Usher: From our point of view, I would reiterate what Martin Hewitt, chair of the NPCC, said recently about everyone involved in political debate, and you would include media companies in that along with Members of this House and constituents. The bar is the same. Intemperate language is likely to breed intemperate action, and it

is everyone's responsibility in any debate to conduct themselves in a calm manner that is likely to promote debate rather than action.

Sir Lindsay Hoyle MP: There is a code of conduct for newspapers to adhere to and maybe we ought to press them harder to ensure that they do.

Q14 **Joanna Cherry:** Good afternoon. I want to ask you a few questions about how we manage MPs' safety and security in and around the parliamentary estate.

First, should we change the way we use the law to manage protests around Parliament? In the past, the House of Commons would pass what was called a sessional order addressed to the police. I am sure you will be familiar with that practice, Commander, but I believe that it stopped in about 2005. Would reinstituting those sessional orders make any difference?

Commander Adrian Usher: In the specific case of sessional orders, no, because of the way they were phrased. Phrases such as "free and unfettered access" are very difficult to enforce in individual cases if someone simply says, "I'm not preventing free and unfettered access. I'm just carrying out this activity".

Without getting too much into the technical detail of those orders, if the House desires legislation to better protect itself in its immediate environment, hopefully we would be part of that by providing information to give you the very best chance of having effective legislation in that area. I have already said that recent protests have shown us that the legislation per se is dated and not effective.

Sir Lindsay Hoyle MP: I think you are absolutely right. The House was very proud of sessional orders because they were for the protection of the House, but we realised that they were not fit for purpose. That has been proved, because the House of Lords still passes them and they have made no difference whatsoever.

Can we do something different? Of course. What we should do is pass legislation to give the police the powers they need to ensure that where sessional orders have failed they can be acted on by us passing legislation through the House of Commons. I believe that we should be going forward with a more modern system for dealing with the problems.

Joanna Cherry: There are examples of things that have happened recently. Last night at 7.30 pm or 8 pm, I left the Commons, came out of Carriage Gates and walked towards Millbank. The whole pavement in front of Parliament appeared to have been cleared and barriers were up. There was hardly anyone on my side of the road and I was able to walk along unimpeded. To be fair, no one was trying to impede me.

However, on the day of the Leave Means Leave protest, the atmosphere outside Parliament was very different. I went out to do media on College Green and had people walking along beside me hurling abuse at me, and

no effort whatsoever was made to stop them. I do not quite understand why it was cleared last night because of the Extinction Rebellion protest, but on the day of the Leave Means Leave protest MPs found themselves being threatened. I also had the experience of walking across Westminster Bridge and being abused. There were no police around whatsoever and I was really scared. I was the most frightened I have ever been in my life.

I just wonder what determines these policing decisions. Yesterday, with Extinction Rebellion, the pavement was cleared, but on the day of the Leave protest the protesters were considerably more threatening and some of them were allowed pretty much free rein. I do not quite understand the difference.

Commander Adrian Usher: On the point about public order policing, I believe that the Committee will call for evidence from a specialist in that area from the police.

On the specific point about Extinction Rebellion, conditions were imposed on the demonstration that allowed us to clear the Parliament side of Parliament Square. I do not believe that the same conditions were applied during the Leave protest. I can give a written response to that, but I think that Commander Connors is giving evidence to this Committee at some stage. This is really her area.

Joanna Cherry: If it was a matter of different conditions being imposed, do we need to speak to someone else about that?

Commander Adrian Usher: It is a complex area of both law and stated case.

Joanna Cherry: I still do not quite understand why the sessional orders became outdated.

Commander Adrian Usher: The legal advice taken by the Metropolitan Police was that they had no weight in law.

Sir Lindsay Hoyle MP: The advice to the House of Commons was the same: that they had no standing legally.

Joanna Cherry: They were more of a symbolic thing.

Sir Lindsay Hoyle MP: Yes. They had never been tested, and qualified lawyers—there are plenty around this room—would say, “They are something from the past that you could not do now”. But that does not stop us doing something new and modern to carry out what they were meant to do.

Lord Trimble: We have an extract from the Library briefings on the provisions of the Police Reform and Social Responsibility Act 2011. Under that Act there can be controlled areas—there is a controlled area around Parliament—with regard to prohibited activities. This is comparatively modern legislation. Is it sufficient, or do you need more?

Sir Lindsay Hoyle MP: I will be quite honest with you—I understand that it was meant to be looked at in 2011 but it was never acted on. I do not believe it was taken forward. That is why I am suggesting now, when we look into the reason for sessional orders, that there was a gap that was never closed, even though that was envisaged. My way now is to close the gap and ensure that we can continue in the way that was meant.

Lord Trimble: This is yet another example of passing legislation and then ignoring it.

Sir Lindsay Hoyle MP: Or it is about closing down an existing way forward without actually creating a new route.

Chair: We will have to look further at the gap that was left by sessional orders and at the point that Joanna has raised about conditions not being applied to Brexit demonstrations but being applied to climate change demonstrations, and about the fairness and consistency of that, but obviously that is something for us to ask further witnesses about.

Q15 **Baroness Lawrence of Clarendon:** Apologies for being late. You have talked about social media, but people do not always use social media. I received a letter today, and I have received quite a few written threats. How do you strike a balance between a written letter that someone sends and what is posted on social media? Is there any way of doing that? I think it is quite difficult, because obviously if somebody writes to you it is not as evident as something that an officer like you can see on social media. How do you balance that and the threats in written letters to politicians?

Commander Adrian Usher: In law there is no difference, so a criminal threat made in writing is exactly the same as one made on social media. We will absolutely investigate them. I will not go into detail here about the investigative opportunities, but they are there if someone writes to you via social media, and there are forensic and investigative opportunities if they write a letter.

We would absolutely encourage all MPs to report both types of abuse. If at the end of the day it does not cross the criminal threshold of abuse, as Eric said earlier it enriches our intelligence picture as to what is going on.

Chair: I know that you are not responsible for the courts or the Crown Prosecution Service, and none of you is responsible for police areas outside London. But what is your sense about whether the criminal justice system takes offences against Members of Parliament seriously enough?

Also, we are all aware of the specific offence of obstruction of or assault on a police officer, and indeed in relation to those working in the ambulance or fire service. If somebody is performing a public service and a crime is committed against them in the performance of their duties, that is an aggravated feature in respect of sentencing. Do you think that

there should be an aggravated feature in respect of sentencing when a crime is committed against someone who is doing their duties as a Member of Parliament?

Sir Lindsay Hoyle MP: It is about looking at the two. The uniformed branches are on the front line saving lives, whether that is the fire service, the health service, or the police keeping law and order. They face this day in and day out. I do not believe that we are comparable, but I do believe that the courts should be sentencing to the right level.

Let us come back to Jo Cox, a sister of ours who was so tragically murdered. The law came down very heavily and the sentence was for life. There was no issue about it and the judge passed the absolute maximum sentence. I do not want something that the courts should be taking forward. Do I think that we are at the same level as the uniformed services who are saving lives or defending law and order? No, but I do believe that the courts have a way forward to ensure that they carry out the right sentencing to send a clear message.

Chair: So, instead of legislating, do you think it would be appropriate for the Sentencing Guidelines Council to make it an aggravated feature?

Sir Lindsay Hoyle MP: I think it is for others to look at, if they feel that is appropriate. There is another point to throw in: would it stop at MPs or would it include councillors and MEPs? There are a lot of elected people in the Lords as well. I am not sure that I would judge myself in the same way as a fire officer, an ambulance officer or the police. I believe that we should be allowed to carry out our duties without hindrance and with the right protection, so I would expect the police, along with our security teams, to ensure that that can be carried out. If something did happen, I would expect the courts to carry out their duty to protect us as well.

Commander Adrian Usher: On that point, there is a facility, through the victim impact statements that police collect in the case of a criminal prosecution, whereby it would be open to MPs to make clear not only that any particular case had caused them fear but, with regard to your earlier point, that this may be affecting the democratic process—"This action has made me reconsider whether I hold surgeries", and so on. I can understand why, for political reasons, MPs might be reticent and not want to do that publicly, but it would send a clear message to the judge in that case about the real impact of actions of criminal abuse.

Chair: That would put the responsibility on to the victim, would it not? Sentencing guidance would put the responsibility on to the judges.

Q16 **Joanna Cherry:** I want to ask a little more about MPs' safety around the Houses of Parliament. We know there are problems when MPs have to leave after late votes. I wonder what you think about that and what your advice to MPs would be when we are here late at night and have to leave the building by the time public transport has ceased, or indeed when we have to walk home in the dark, as some MPs live within walking distance. There has been an issue with the lighting on Westminster Bridge, for

example, for some time; most of the lights do not seem to work. I wondered what thought has been given to that and what the advice is.

Sir Lindsay Hoyle MP: I will be quite honest: I was very worried when you said that you decided to walk home across Westminster Bridge that night. I do not care what time it was; we had people out there who worried me. I do not want anyone to be put at risk. What we have in place, and what is working effectively, has to continue to be fine-tuned.

The idea is that if we know that we are going to have a late vote, and it is a serious late vote with problems, we are meant to have taxis waiting, so an MP goes downstairs to the Members' entrance and gets in a taxi that will take them home. When we know that it is that serious, the taxi companies are advised that numbers of taxis should be available. I am trying to join up the Whips' offices via the Serjeant at Arms office to put out something saying, "This is the last vote. Taxis will be available downstairs at the Members' entrance". That could be a quick and effective way to get Members away.

If Members do not feel safe going home, please use a taxi. I would always advise that. The last thing I want is another incident to take place against a Member of Parliament, a Peer or someone who works here. We have to put in the best protection that we can, as we do quite rightly when the House goes late and we make sure that the staff of the House have taxis home. I want to make sure that Members are also looked after.

Joanna Cherry: What about the issue of MPs going backwards and forwards to College Green? First there is the journey to College Green and back, and then there is the sort of interference that we all saw Anna Soubry having to put up with while being interviewed. While I make it quite clear that of course people should be able to protest, and they should be able to shout as part of that protest if they wish to do so, it puts MPs off going to speak to the media if you are trailed all the way to College Green and back by someone screaming in your ear that you are a traitor, which has happened to me on a number of occasions recently.

I have to say, with all due respect to the police, who I think by and large do a wonderful job, that police officers have been present on those occasions and, in my experience, done nothing. I do not think it is legitimate for someone to walk alongside an MP screeching "Traitor" or something more abusive at them. To try to engage an MP in conversation is fine; it happens to us all the time. I wonder where we draw the line and how we police that in the broadest sense.

Recently, for example, there have been two police officers at the underground entrance to Westminster tube station, which has been very much appreciated by some of us using that entrance. However, what guidance is given to police on a day when there are a lot of demonstrators there and a lot of MPs going backwards and forwards? I know from personal experience MPs who have refused to go out because they have been afraid of abuse or indeed physical violence. That is a real

danger, not just for the freedom of speech of MPs but for the right of the public to hear their representatives commenting on the day's events. I wondered if you could address that.

Commander Adrian Usher: We absolutely heard that at the start of the most recent set of protests at the start of this year, so we engaged very positively with the Parliamentary Security Department to devise a system, which I will let Eric describe, by which MPs can engage. I accept that police officers have not engaged in situations purely because the criminal threshold has not been reached, and we know from advice from the CPS that being called a traitor does not cross that line.

However, that does not stop the very real human element of someone being abused unpleasantly, and police officers can step in and engage with that party and advise them on their behaviour. If it does not cross a criminal threshold, obviously their hands are slightly tied as to how much force they can apply.

Joanna Cherry: I just wonder about that. Obviously I am a Scots lawyer, not an English one, but someone walking along the street in Scotland yelling "Traitor" repeatedly in someone's face would be seen in Scotland as committing a breach of the peace or a form of harassment. I do not want these people to be arrested; I would just like to see police officers telling them to stop it because it is not acceptable.

Commander Adrian Usher: As I say, I would not disagree with you that a police officer is absolutely at liberty to step in. We have changed the tone of our briefing to officers. The officers outside Parliament have come from other duties all over London in order to be deployed there. They receive a briefing every day when they are deployed on the ground, and that briefing changed to include this exact point: they can step in even if it does not constitute a crime at that point, engage with the individual and tell them to calm down, just as any other human being would. We put a system in place to provide some security for MPs as they step across the road to College Green.

I would make the wider point that the safest option of all is for those media interviews to be conducted within the estate.

Eric Hepburn: Maybe I can help on that. My advice is that if Members feel uncomfortable about going across to College Green, they should ask the broadcasters to conduct the interviews within the Palace, and there are facilities for doing that. However, it is recognised that Members would like to go across to College Green—and absolutely rightly; it is free speech—in which case they can contact security in Parliament and we can arrange with the police an escort across the road to College Green and back. That is a lesson learned from the sheer level of abuse that we saw Members receiving.

Sir Lindsay Hoyle MP: I will be honest and say that that is a serious point, and how do we deal with it? Peaceful, law-abiding protests should be allowed and we have to allow them to continue, but Members should

also be allowed to carry out interviews. It is about making sure that the two can happen.

I have been working closely with Transport for London and Westminster City Council on the road closure and creating the square. In the end, this is without doubt one of the most photographed buildings in the world, and there are many risks. People are at risk from the busy road, and we know the dangers: large numbers of people are not compatible with vehicles. The streetscape scheme that I want would allow us to have an area for protesting but would also allow Members to move around safely.

It is about putting in better protection for everyone, whether they are MPs, staff, tourists or visitors to the House. We need a secure area that can be created in the streetscape outside. People have talked about that for a long time. This is a major heritage building, so we should ensure that we have the right environment and the right protection for people coming here.

Downing Street has an area where people protest. We should have that too. Sessional orders do not allow us to have it, but a new law could preserve the right of people to protest without hindering Members of both Houses in coming or going. That is something that we could do. To back that up, I have asked for a report from the Communications Office to designate more areas within the House in order that the major media companies and radio can hold interviews here, if that is what people wish and what Members want. It should be available to them, and it should be there. That is ongoing at the moment.

Q17 Joanna Cherry: I will now ask you some questions, Mr Boo, particularly about the spending on security and disclosure of information. How do you in IPSA balance the need for transparency with the need to keep MPs safe by not disclosing information about security measures?

Marcial Boo: That is a very important question and we consider it very seriously. We have duties under the Freedom of Information Act, obviously, to disclose the public money that has been entrusted to us to gift to MPs to help them to do their jobs. On the other hand, we also have a duty to protect MPs and not to disclose information that could be prejudicial to them. We fund all the security measures that come as part of the package that is recommended by the police, and we publish a global figure every year rather than breaking it down by expenditure per MP. So we are disclosing the information about the amount of money that is spent overall on security but not prejudicing the safety of MPs by breaking it down in more detail.

In addition, two years ago we decided to disclose slightly less information about some of the expenditure of MPs—for example, where the journeys that they undertake are from and to, the details of their landlords and the postcodes of any addresses that they are funded for—in order to remove that information from the public domain so as to protect MPs. Those are some of the ways in which we have tried to balance our responsibilities in the way that you have asked about.

Joanna Cherry: That is very helpful. I would like to ask you a slightly more particular question that a number of Members have asked me to raise. As you have said, there is a standard package that MPs can have now, and then there are enhancements to that package. As I understand it, IPSA will pay for the enhancements only if the police have recommended that they be carried out. A number of MPs have asked me to raise with you their concern that sometimes the police may not have recommended X but, because a problem that they have had, they and their staff feel that X is needed. I give you an example of one particular MP who repeatedly requested CCTV for her constituency office, which had been repeatedly vandalised. It was only once a death threat was made against that MP that CCTV was provided.

Do you accept that there should be any consideration of giving more weight to what the MP and the staff themselves feel, rather than purely what the local police are necessarily recommending? Lindsay, you might want to come in on this question as well.

Sir Lindsay Hoyle MP: You are absolutely right. Three years ago, it was all about the costs. When IPSA was set up, there was a small amount of money compared with what we are spending now. The fact is that the threat level has gone up, and we know the worries and concerns that MPs have—we all know the particular case that we have been discussing.

As I said at the beginning, there is a review of the security package. I am more than happy to send details to the Chair to be shared with the Committee, but I would not like to put it into an open forum now. I believe that those concerns can be overcome with the recommendation that is going forward.

Joanna Cherry: Thank you.

Commander Adrian Usher: I would like to add a slight clarification about something that was just said. Individual police forces will of course make those decisions, but they are all passed through PLAIT so that there is a degree of consistency nationally and we do not get the situation where an individual police officer says one thing in Northumbria and it is completely different in Southampton. PLAIT will apply that consistency nationally.

Joanna Cherry: So if an MP felt that their local police force did not fully appreciate the depth of their or their staff's concerns about security issues—for example, at their constituency office—could that MP get in touch with PLAIT and PLAIT overrule an assessment made by a local force? If they have just said, "These measures are not needed", could PLAIT overrule that, bearing in mind that you have the expertise to know that you are looking at the whole of the UK, not just at the one area that the local MP's force is looking at?

Commander Adrian Usher: There are two points there, one of which goes to the heart of this issue. On the slightly lesser point, PLAIT is part of the Metropolitan Police. We would be absolutely loath to overrule a

local force in any way at all; they are of course running their own forces. However, I would say that I have yet to come across any case in which PLAIT has advised a local force that it is perhaps out of step with other forces and that advice has not been taken. It is very much an exercise in negotiation and soft power.

The wider point that goes to the heart of this is that you used the expression “how an MP feels”. That is key, because the police are making an assessment based on threat—documented, evidenced threat. Often we will come back with the answer that we cannot see an evidenced threat for which the requested mitigation would be appropriate.

This question is for the House to decide. The way an MP feels might impact on their exercising of the democratic process, so that MP’s perception might be addressed by some of these security measures, and you might therefore deploy them as a matter of reassurance as opposed to against a threat. That is a policy decision to be made by the House.

Joanna Cherry: That is what I am getting at. If there has been a certain amount of vandalism or targeting of the office, the MP—and, very importantly, their staff, because those staff are there the whole time while the MP is possibly there only at the beginning and end of the week—may have legitimate grounds for perceiving a greater threat than has yet materialised.

Sir Lindsay Hoyle MP: In that particular case, I would say that they should come to see me. We have taken that up before, and it was dealt with in an effective way. However, I think the new measures will overcome this issue.

You touched on something that I would like to come back on. I am worried about the well-being of Members of Parliament carrying out their duties, but five days a week, from first thing in the morning until 5 pm at night, their staff are facing not just threats but the most horrendous stories—talking about paedophilia or whatever. They are having to put up with that day in, day out, and it must begin to affect them.

Who cares for the staff? I think we have a duty of care for staff as well. I would like to see an extension to ensure that someone is contacting staff who work in remote offices so that people are looking after them and concerned about them. They are the forgotten heroes of ensuring that MPs can carry out their duties. That is a part of what you are saying, but it is also about making sure that we look after the staff. If you work in social services you are regularly checked. What we are doing is no different, but we are not doing those checks at this stage. That is something that we need to introduce, and I am working very closely on it at the moment.

Lord Trimble: I want to go back to something that Joanna said a few minutes ago about going over Waterloo Bridge late at night and it not being a very comfortable experience. I fully understand that, but this is a matter for IPSA. IPSA’s financial arrangements pushed Members of

Parliament towards a particular hotel on the other side of the bridge. Is that sensible? Have you thought about possibly getting arrangements for MPs at other places, or is it essential that they are all pushed in the direction of that particular hotel?

Marcial Boo: IPSA does not push MPs anywhere.

Lord Trimble: The financial arrangements do.

Marcial Boo: We consulted at length at various times on the accommodation arrangements that are appropriate for MPs. MPs told us very clearly that they want to have a choice about where they spend their time in London. Some MPs choose to stay in hotels very near Westminster. Some choose to spend their time in hotels a bit further away. Other MPs choose to rent accommodation in London, and they are entitled to do that.

We give MPs the choice. We give them a budget for renting a flat in central London, if that is what they want to do, or they can take up the opportunity to have a hotel. A few MPs have their own homes—and, of course, London MPs are expected to travel back home after their work is concluded in the House.

MPs have that choice, so our duty, on behalf of Parliament, is to make sure that the money that is spent is reasonable. That is why we have the budgets and the rules that we have.

Lord Trimble: The fact still remains that your financial arrangements result in a significant number of Members of Parliament going to a particular place. That is obvious to anybody who looks at it, so do you not have a duty also to think about whether it is wise to have so many going to one particular hotel? Would it not be better to have a bit of variety?

Marcial Boo: Actually, very few MPs go into the same hotel. We are talking about a low dozen in a particular hotel, because most MPs who have the opportunity to stay in London—who are not London MPs, in other words—rent somewhere, so not many MPs have to walk across Westminster Bridge in this example. However, it is a choice that the MP can make; they can choose to spend the night in another hotel within the budget.

Chair: The final question is from Sally.

Q18 **Baroness Hamwee:** If the Chair will allow me, may I pursue one thing that came out of the previous discussion? Commander Usher, will any advice be given to candidates in elections—any elections—about working on the ground? I have worked in political offices where, frankly, thinking back to it, we were very, very vulnerable.

Commander Adrian Usher: On behalf of the National Police Chiefs Council, I led on recommendations 29 and 31 in the *Intimidation in Public Life* report, one of which was that all candidates for general elections should receive advice. Some candidates may never have stood before,

and we give advice on the sorts of things they might encounter and what to do should they encounter them.

We have consulted widely. I have consulted with the College of Policing, the Electoral Commission, the House and the CPS, and we have come up with two documents. One is very short, because in my experience the important thing is that this needs to get read, be very clear and signpost very easily the sorts of places where they can access help for specific things. However, overarching all that is that, if you are at all confused, there will be a named police officer per force area for the individual to contact. The second is a longer document that describes in more detail some of the thresholds for specific criminality and is just for information.

We are acting very speedily to ensure that the document regarding general elections is available for the European elections that are coming up, and I hope that we may be able to issue it by Friday. I believe that that will be done.

So yes, there is advice out there, and we will issue it.

Baroness Hamwee: You have answered the question very neatly.

Chair: It is obviously very helpful that you are getting that advice out before the European elections, following the recommendations made by the Committee on Standards in Public Life in 2017 that that should be done. Is that because you anticipate an increased level of violence and threat around those elections?

Commander Adrian Usher: No. It is because, bluntly, when I finished that work and we had made that advice available, I was going to test it whatever election came next, whether local or national, in order to test all the processes required to make sure that it gets to candidates. As it happens, it is the European elections next.

Sir Lindsay Hoyle MP: I think that the recommendation should have been endorsed by now and brought in. We have to remember that some Members of Parliament will stand at the next general election. Does security stop the day the election is called? We ensured that the security continues for those MPs right up to the election result, which is good: there is a duty of care to MPs. But we also recognised—this is one of the principles that Eric and I gave evidence on—that we also have a duty of care to candidates. It is not just about MPs but about making sure that there is protection for other candidates, and, working with all the regional police forces, that there is continuity of support for everyone who is standing. That is what we have to do.

I come right back to the point that if we cannot support democracy, what can we support?

Baroness Hamwee: I think most of my questions have been answered. However, I think that elections are different in that there are a lot of volunteers who are not used to the situation in the same way the

permanent staff will be. It is quite difficult to balance their safety against being open to all the work that they have to do.

We have talked about the Committee on Standards in Public Life and the recommendations. Do you know why they have partly stalled?

Sir Lindsay Hoyle MP: I do not, but I do know that they need to be taken on board now.

Chair: At that point, I thank you very much indeed for coming to give evidence to us, and for your continuing endeavours to support freedom of speech, the right to protest and freedom of expression, and at the same time keep our representatives and their staff and families safe. Thank you very much for the work that you do.