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Alex Sobel MP
Chair of the Joint Committee on Human
Rights
House of Commons
London
SW1A 0AA

By email

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Dear Alex Sobel,

Thank you to the Joint Committee for Human Rights for providing me with the opportunity to give evidence on July 1st on behalf of the Metropolitan Police Service (MPS), in relation to the inquiry, 'Security, safety and protest: the role of Human Rights.'

As the new Chair of the Committee, I am following up in writing to provide further responses to the questions that were unable to be answered during the oral evidence session and have provided the answers to these questions below on behalf of the MPS.

1) What practical difference have the new public order offences introduced since 2022 made to the way police respond to protest activity? Have they helped you to deal with and reduce disruption and disorder connected with protest?

- a) How do police decide whether to use one of the newer protest-specific offences rather than existing offences or powers, such as obstruction, public nuisance or conditions under the Public Order Act 1986?
- b) How do police ensure that decisions to use protest-specific offences are compatible with the rights protected by Articles 10 and 11 ECHR?

The new public order offences have not made any changes to how the MPS responds to protest activity. Our view is that the additional powers introduced since 2022 are a useful, but specific tool to help us counter a certain type of protest that was being conducted, namely individuals locking themselves to railings, fences and buildings and staging walk-ins.

In more recent times, this type of protest has not been as prevalent. More of our public order demand in recent years, particularly since events in October 2023, has arisen from more traditional types of protest.

From a legal perspective, the MPS as a public authority must always consider the use of legislation within the context of the ECHR – noting Convention rights under Section 6, but balancing this with Articles 9, 10 and 11, rights of those protesting and whether any interference of these rights is necessary and proportionate (paragraph 2 of each of the article says when we may interfere and this can be to prevent crime or protect the rights of others).

For instance, if a protest is likely to cause serious disruption to the life of the community due to the numbers attending of route chosen, any conditions applied must be to mitigate this. These conditions may take the form of X must not start till X time and must not deviate from the route agreed, finishing by X time.

2) The Crime and Policing Act has introduced a requirement for police to take into account “cumulative disruption” when considering whether to impose conditions on protests. How will police balance that requirement against the fact that repetition and sustained presence may be central to the exercise of Article 10 and 11 rights in protest campaigns?

- a) Is it helpful that considering cumulative disruption is mandatory under the Act, or should the police be trusted to decide when it is relevant?
- b) The new provision expressly confirms that, when considering cumulative disruption, it is irrelevant whether earlier or later disruption was caused by the same people as those involved in the protest under consideration, or by entirely different individuals. How will the police interpret this compatibly with Article 10 and 11 ECHR? Can it be compatible with Article 10 and 11 to restrict an individual’s right to protest because someone unrelated, with opposing or unrelated views, has caused or plans to cause disruption on another occasion?

The MPS constantly reviews cumulative disruption and has done so since the rise of environmental protests and the start of the of the Palestine Israel conflict. Any decision in relation to imposing conditions on protest because of cumulative disruption is taken as part of any proportionality assessment.

This would also include any assessment that takes into account how there may be several other events occurring simultaneously which taken together, could constitute disruption to the lives of Londoners who also have the right to go about their daily business without impact.

3) The Crime and Policing Act has also introduced a new offence of concealing identity at protests. If a peaceful protester is concealing their identity in a designated locality and says they fear reprisals, for example from a hostile regime, how should police respond?

The MPS recognises that the right to freedom of expression and peaceful assembly are fundamental rights protected under Articles 10 and 11 of the European Convention on Human Rights. The introduction of any offence relating to concealing identity at protests must therefore be applied in a manner that is lawful, necessary and proportionate.

Where an individual is concealing their identity within a designated area and states that they fear reprisals, intimidation or repercussions from a hostile state, extremist groups, employers, family members or others, officers should not automatically assume criminal intent. The existence of a face covering or other means of concealing identity does not in itself explain why an individual is doing so. Officers should seek to understand the specific circumstances presented, assess the credibility and immediacy of the concerns raised, and consider the wider human rights implications before determining the most appropriate course of action. This assessment should include consideration of:

- The nature of the protest.
- The individual's explanation for concealing their identity.

- Any intelligence or information relating to public safety risks.
- The likelihood of criminality or disorder.
- The impact on the rights of others.
- The necessity and proportionality of enforcement action.

In practice, protest environments often involve competing rights and interests. For example, there may be legitimate concerns around accountability, the identification of offenders and public reassurance where individuals conceal their identity. Equally, there may be genuine and legitimate fears of reprisals, particularly where protests relate to international conflicts, foreign governments, human rights issues or sensitive political causes. The role of the police is therefore not simply to enforce legislation, but to make balanced operational decisions that take account of the totality of the circumstances. Any decision to enforce the offence should remain grounded in the principles of legality, necessity and proportionality and be capable of subsequent scrutiny. The MPS would expect officers to exercise professional judgement supported by command oversight.

- a) How practical is it for the government to create an offence with limited statutory defences, and then rely on police discretion to deal with difficult human rights cases?

Police discretion has always been a fundamental component of policing. Officers routinely apply discretion across a wide range of offences and operational situations where legislation cannot anticipate every set of circumstances. However, there is an important distinction between discretion being used to resolve occasional complexity and discretion becoming the primary mechanism for safeguarding fundamental rights.

From an operational perspective, where legislation creates broad offences with limited statutory exemptions, there is a risk that difficult questions regarding competing rights are effectively transferred from Parliament and the courts to frontline officers and operational commanders. This can create challenges around consistency, particularly where decisions are being made rapidly in complex and potentially contentious environments. Chief officers generally benefit from legal advisers, tactical advisors, strategic oversight and command structures that support nuanced decision making.

Frontline officers operating in dynamic protest environments often have significantly less time and information available to them when making decisions. The MPS would therefore always welcome legislative clarity wherever possible. This clarity helps promote consistency, transparency and public confidence. At the same time, it is unrealistic to expect legislation to anticipate every individual circumstance. Some degree of discretion will always be necessary, particularly where protest policing involves competing rights and emerging threats. The key issue is not whether discretion should exist but whether officers are being asked to resolve matters that Parliament may be better placed to define explicitly through legislation.

From a policing perspective, the ideal position is one where legislation clearly articulates Parliament's intent, provides sufficient safeguards to protect legitimate rights, and leaves officers to exercise judgement within a clear and well-understood legal framework.

4) Arrests at protests often don't result in charges. Is there a risk that arrest may be used in protest contexts to manage or prevent immediate disruption rather than to facilitate prosecution?

The MPS fully recognises that the right to peaceful protest is a fundamental democratic freedom protected by Articles 10 and 11 of the European Convention on Human Rights. The starting position for officers is always to police lawful protest wherever possible. Arrest powers are exercised in accordance with the Police and Criminal Evidence Act 1984 and associated

legislation. The legal test for arrest requires both reasonable grounds to suspect an offence and necessity. Arrest is not used simply because a protest is causing inconvenience or attracting public attention. It is important to recognise that protest policing often involves dynamic and rapidly evolving circumstances.

Officers may be required to make decisions in real time to prevent imminent breaches of the law, protect public safety or prevent serious disruption. In those circumstances, arrest may be necessary at the point of intervention even where subsequent evidential reviews or CPS charging decisions result in no further action. The fact that an arrest does not ultimately result in a charge should not automatically be interpreted as meaning the arrest was inappropriate.

The lawfulness of an arrest is judged on the information reasonably available to officers at the time rather than with the benefit of hindsight. That said, there is an understandable public concern that arrest powers must never be perceived as a mechanism to suppress lawful protest. This is particularly relevant where protests involve contentious political issues or attract significant media attention. For that reason, the MPS places considerable emphasis on command oversight, legal advice, evidential review and post event learning.

Recent debates regarding face coverings at protests illustrate the complexity of this issue. Whilst many individuals may wear face coverings for entirely legitimate reasons, there is also public concern that anonymity can increase challenges around accountability, identification of offenders and public reassurance. Police responses must therefore carefully balance individual rights against legitimate concerns regarding criminality, intimidation and public safety. The MPS remains committed to ensuring that any use of arrest powers in protest settings is lawful, necessary, proportionate and subject to scrutiny.

5) Policing protests can be resource intensive. Do you consider resource issues to be relevant to your assessment of proportionality when it comes to the exercise of Article 10/11 rights?

Yes, but only as one factor amongst many. Operational policing resources cannot by themselves justify interference with Articles 10 and 11 rights. The courts have consistently emphasised that inconvenience, cost or operational burden alone are insufficient grounds to restrict lawful protest. However, police commanders have a duty to consider the practical implications of an event when conducting their overall assessment of risk, threat and impact.

Resources are therefore relevant as they affect the ability of the police service to fulfil its wider responsibilities to protect life, prevent disorder and maintain wider public safety. For example, where a protest requires a substantial and sustained deployment over a prolonged period, commanders may need to consider the impact on emergency response capability, neighbourhood policing, public protection functions and concurrent major incidents. Those considerations form part of a wider proportionality assessment but are not a determining factor in themselves. The emergence of increasingly complex protest activity, including groups employing highly mobile tactics, coordinated direct action, or sustained campaigns over extended periods, has increased the operational demands placed on forces nationally.

Equally, more recently we have seen heightened community concern around protests involving face coverings and the potential impact on perceptions of transparency, accountability and public confidence. In practice, commanders seek to strike a careful balance between facilitating lawful protest and ensuring that policing remains capable of meeting the broader needs of the public. The assessment remains rooted in legality, necessity and proportionality rather than resource considerations alone. The MPS would be concerned if resource pressures became the primary driver of decisions affecting protected rights. The role of commanders is therefore to ensure that operational realities inform but do not dictate, proportionality assessments.

- 6) In February 2026, the Home Office published official statistics on 'Police protest powers, June 2022 to March 2025'. These statistics cover the placing of conditions on assemblies and processions under s12 and s14 of the Public Order Act 1986. The statistics specify that there were 21 processions and 55 assemblies where the trigger for imposing conditions was not known or not recorded, all of which were under the Metropolitan Police. Can you explain why the trigger for conditions at these events was not known or not recorded? Does the Metropolitan Police record and retain details of the reasons why a trigger was considered to be met?

The MPS recognises the importance of accurate data in maintaining public confidence and supporting effective scrutiny of protest policing. The figures referenced relate to historical management information returns submitted during a period in which protest legislation, operational recording requirements and data collection processes underwent significant change.

During that period, conditions imposed under sections 12 and 14 of the Public Order Act were recorded operationally. However, the categorisation of the specific statutory trigger used for national statistical reporting was not always consistently captured in a format capable of extraction for Home Office returns. This does not mean that conditions were imposed without justification. Operational commanders are required to record the rationale underpinning decisions to impose conditions, including the legal basis, threat and risk assessments, evidential considerations and proportionality rationale.

Those records are ordinarily retained within command logs, decision logs and associated operational documentation. The issue identified within the Home Office statistics principally relates to the ability to retrospectively classify and extract specific trigger categories from historic records rather than an absence of decision-making rationale. The MPS has subsequently worked to strengthen governance, improve data quality and increase consistency in recording practices to ensure that statutory triggers, legal rationales and associated command decisions are more readily identifiable for both operational learning and external scrutiny.

Given the increased public and parliamentary interest in protest policing, including concerns relating to serious disruption, face coverings, anonymity, public order tactics and the activities of a range of protest groups across the political spectrum, it is particularly important that recording standards support transparency and accountability. The MPS is committed to continual improvement in this area and welcomes scrutiny that helps ensure public confidence in the way protest powers are used.

Use of live facial recognition technology

In addition to the above questions, I would also like to submit further evidence for the record on the use of live facial recognition technology (LFR) which was raised during the evidence session.

I note that Baroness Hamwee enquired in her questions about the use of LFR and how this technology is used, particularly within the context of public order.

As members of the Committee will be aware, the MPS has been at the forefront of utilising LFR and whilst I will not comment on how it is used by other forces across the country, I want to set out how the MPS makes use of this technology.

LFR is one of the most revolutionary technology advances in policing in recent years. It is worth noting that a judicial review into the use of it by the MPS concluded earlier this year in favour of the MPS with the Court of Appeal subsequently backing the court's decision and

declining to hear an appeal. The Divisional Court found the MPS's approach to be "in accordance with the law" and "proscribed by the law" for the purposes of Articles 8, 10 and 11 of the European Convention. The court recognised that the "clear and detailed" guidance "expressly requires" the police to "have regard to the risk that deployment will have a chilling effect on the willingness of some individuals to take part in lawful assembly and express their views", concluding that the MPS's approach "addressed the factors to be considered" and "acts as an effective safeguard against arbitrary outcomes". From the outset, the MPS has ensured that fairness, accuracy and accountability were part of the design. With strong oversight and safeguards in place, including checks to ensure the use of LFR is proportionate and that people's rights, such as a right to privacy and freedom of expression are protected in a way which does not breach human rights law.

The public in London is also on our side with around 80 per cent of Londoners supporting the use of LFR to help keep them safe. However, I understand the concerns that were raised by members of the Committee given the views of a small, yet vocal number of campaign groups who continue to argue that the police should be prevented from using a proven tool that helps us catch paedophiles, rapists, violent criminals and those wanted by the courts. That position is increasingly out of step with both public opinion and the realities of both modern communities and policing.

This is not secret surveillance. Deployments are clearly signposted and highly visible, and technology does not replace professional judgement. Trained officers assess alerts on the ground and decide what action, if any, is necessary.

Our data has also shown that the technology is highly accurate, and we have already made more than 2,500 arrests. Last year alone, more than three million faces walked past the cameras across London, resulting in just 12 false alerts, none of which led to an arrest and crucially, to reiterate, every alert is reviewed by trained officers before any action is taken.

When it comes to the use LFR specifically within a protest setting, we have not deployed it within the footprint of any protests. However, it was deployed within a high footprint area during a protest by Unite the Kingdom on May 16th. This was in response to the MPS having intelligence which indicated that there was likely to be a threat to public safety with the objectives of locating, deterring and disrupting the presence of those putting the public at risk.

Three arrests were made on May 16th from LFR for failing to appear at court – whilst none were linked to protest activity, and the public safety risks did not materialise. The Divisional Court found the approach of seeking to locate those with an outstanding warrant for their arrest when LFR is deployed to be lawful. The court ruled it results in "no more or less intrusion on human rights of innocent people than those wanted by the courts".

The MPS has also deployed LFR at other major events, including at the Coronation of King Charles III and at two premier league football matches. One of these was last season and the second more recently. The rationale for deploying LFR at these matches is responsive to intelligence as to public safety risk in line with where football sits on the national strategic threat and risk assessment for public order and events.

LFR has also been deployed for two consecutive years at Notting Hill Carnival. In 2025, the MPS deployed LFR at two sites within the surrounding footprint which led to 61 arrests, including 16 for serious violence and 13 for violence against women and girls.

Building on this success from last year, LFR was deployed across four locations this year, and unlike last year, two of these were within the footprint. The rationale for doing this was considered carefully and was driven by operational effectiveness, public safety and to deliver on our core policing responsibilities. This expansion led to 214 alerts, 121 arrests and 86

registered sex offenders being stopped and spoken to. Seven registered sex offenders were found to be breaching their conditions or notification requirements and were arrested. These results not only take dangerous people off the streets, but in a public safety context, their arrest serves to ensure Notting Hill Carnival is safer for those who wish to lawfully enjoy the event. In this way, LFR can promote the exercise of the rights to assembly and express views lawfully.

I would like to once again thank the Joint Committee for providing me with the opportunity to give evidence to this important inquiry.

Yours sincerely,



Clair Haynes
Chief Superintendent