

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## PUBLIC ORDER BILL

*First Sitting*

*Thursday 9 June 2022*

*(Morning)*

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### CONTENTS

Programme motion agreed to.  
Written evidence (Reporting to the House) motion agreed to.  
Motion to sit in private agreed to.  
Examination of witnesses.  
Adjourned till this day at Two o'clock.

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**not later than**

**Monday 13 June 2022**

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**The Committee consisted of the following Members:**

*Chairs:* PETER DOWD, †DAVID MUNDELL

† Anderson, Lee ( <i>Ashfield</i> ) (Con)	† McCarthy, Kerry ( <i>Bristol East</i> ) (Lab)
† Bridgen, Andrew ( <i>North West Leicestershire</i> ) (Con)	† McLaughlin, Anne ( <i>Glasgow North East</i> ) (SNP)
† Chamberlain, Wendy ( <i>North East Fife</i> ) (LD)	† Malthouse, Kit ( <i>Minister for Crime and Policing</i> )
Cunningham, Alex ( <i>Stockton North</i> ) (Lab)	† Mann, Scott ( <i>North Cornwall</i> ) (Con)
Doyle-Price, Jackie ( <i>Thurrock</i> ) (Con)	† Mohindra, Mr Gagan ( <i>South West Hertfordshire</i> ) (Con)
† Elmore, Chris ( <i>Ogmore</i> ) (Lab)	† Vickers, Matt ( <i>Stockton South</i> ) (Con)
† Elphicke, Mrs Natalie ( <i>Dover</i> ) (Con)	Anne-Marie Griffiths, Sarah Thatcher, <i>Committee Clerks</i>
† Hunt, Tom ( <i>Ipswich</i> ) (Con)	
† Huq, Dr Rupa ( <i>Ealing Central and Acton</i> ) (Lab)	
† Jones, Sarah ( <i>Croydon Central</i> ) (Lab)	
Longhi, Marco ( <i>Dudley North</i> ) (Con)	† <b>attended the Committee</b>

**Witnesses**

Chief Constable Chris Noble, Lead for Protests, National Police Chiefs' Council

John Groves, Chief Security and Resilience Officer, High Speed 2 Limited

Nicola Bell, Regional Director, South East, National Highways

# Public Bill Committee

Thursday 9 June 2022

(Morning)

[DAVID MUNDELL *in the Chair*]

## Public Order Bill

11.30 am

**The Chair:** I have a few preliminary announcements. Hansard colleagues would be grateful if Members could email their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk). Please switch electronic devices to silent. Tea and coffee are not allowed during sittings.

We will consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication, and a motion to allow us to deliberate in private about questions between the oral evidence sessions. In view of the time available, I hope that we can take these matters formally, without debate. I call the Minister to move the programme motion standing in his name, which was discussed on Tuesday 7 June by the Programming Sub-Committee for this Bill.

*Ordered,*

That—

(1) the Committee shall (in addition to its first meeting at 11.30 am on Thursday 9 June) meet—

- (a) at 2.00 pm on Thursday 9 June;
- (b) at 9.25 am and 2.00 pm on Tuesday 14 June;
- (c) at 11.30 am and 2.00 pm on Thursday 16 June;
- (d) at 9.25 am and 2.00 pm on Tuesday 21 June;

(2) the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Thursday 9 June	Until no later than 12.15 pm	The National Police Chiefs' Council
Thursday 9 June	Until no later than 1.00 pm	High Speed 2 (HS2) Limited; National Highways
Thursday 9 June	Until no later than 2.45 pm	United Kingdom Petroleum Industry Association;
Thursday 9 June	Until no later than 3.05 pm	Adam Wagner, Doughty Street Chambers
Thursday 9 June	Until no later than 3.25 pm	News UK
Thursday 9 June	Until no later than 4.10 pm	Sir Peter Martin Fahy QPM, retired police officer; Matt Parr CB, HM Inspector of Constabulary and HM Inspector of Fire and Rescue Services; Chief Superintendent Phil Dolby, West Midlands Police
Thursday 9 June	Until no later than 4.55 pm	Amnesty International; Justice; Liberty

3. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 21 June.—(*Kit Malthouse.*)

**The Chair:** The Committee will proceed to line-by-line consideration of the Bill on Tuesday 14 June at 9.25 am.

*Resolved,*

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Kit Malthouse.*)

**The Chair:** Copies of written evidence that the Committee receives will be made available in the Committee room and will be circulated to Members by email.

*Resolved,*

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*Kit Malthouse.*)

11.32 am

*The Committee deliberated in private.*

### Examination of Witness

*Chief Constable Chris Noble gave evidence.*

11.34 am

**The Chair:** We are now sitting in public again and the proceedings are being broadcast. Before we start hearing from the witnesses, do any Members wish to make declarations of interest in connection with the Bill? No, I take it. We will now hear oral evidence from Chief Constable Chris Noble, lead for protest on the National Police Chiefs' Council, who is joining us via Zoom. I remind Members that questions should be limited to matters within the scope of the Bill, and that we must stick to the timings in the programme motion. The Committee has agreed that, for this session, we have until 12.15 pm. Can the witness please introduce themselves for the record?

**Chris Noble:** Good morning, Chair. My name is Chris Noble. I am the chief constable of Staffordshire Police.

**The Chair:** Thank you, Mr Noble. If, at any time, you have any difficulty in hearing the questions, please indicate and we will make the necessary technical adjustments.

**Q1 The Minister for Crime and Policing (Kit Malthouse):** Good morning, chief. Thank you very much for joining us. At the outset, can you outline the current protest situation, and changes in protesters' tactics over the past three or four years, from your experience? The Bill is responding to those changes in tactics, so it would be helpful for the Committee if you could outline what they are. Also, can you talk about your experience of the disruption caused and the challenges faced on safety grounds, and say what the cost to policing has been over the last couple of years?

**Chris Noble:** Thank you, Minister. There is a lot, in terms of looking back. There have been a number of trends. We have seen global causes land on our shores very quickly and having significant impacts. Black Lives Matter is a good example. We have seen causes overlapping,

both in terms of membership and tactics. There have been some very novel—without giving them any credit—and highly disruptive tactics; that is reflected on the contents page of the Bill. If we look across the breadth of protest organisations and groups, we see that they are very aware of some of the legal gaps, inadequacies and shortcomings; that is very clear from their engagement with police, as well as their tactics. There is a focus, albeit not exclusively, around what we would call non-violent direct action, which is slightly different from previous protest phases, where violence was maybe more commonplace. That said, it is not completely exclusively non-violent.

Most protests are still relatively non-contentious. However, in terms of complexity, intensity and tactics, there has been a step up, and the assessment going forward is very clear that we will still see those challenges around complexity and the co-ordination and the adapting of protests, and we have significant gaps around our information and intelligence. Even though we will have our own, home-grown causes that people will wish to protest against, I anticipate that a lot of protest will potentially be generated from outside these shores. That is a little bit of the picture on what has been, and what may well be to come.

On impacts, there are safety challenges across the board, including safety risks to some of the protestors, challenges to members of the community on our roads or, indeed, in their communities, and challenges for police officers and private contractors in dealing safely with tactics that we will perhaps talk about. Also, there may be increasing cost as we try to deal with more complex issues—costs either to communities, the businesses impacted, or indeed the police, be it financial or opportunity cost, in terms of officers not being able to work in neighbourhoods, or in serious and organised crime, or in the other roles on which they clearly want to be focused. Those are real challenges, but still, the backdrop is that the vast majority of protest activity is relatively non-contentious. However, there is a hard core, a small element, that I do not see going away any time soon.

**Q2 Kit Malthouse:** One form of protest that we have seen recently is locking on—people glue themselves to motorways or fuel depots and fuel gantries. Could you illustrate some of the dangers that that may present, particularly in a fuel environment? What steps do officers have to take to deal with that kind of protest?

**Chris Noble:** In Staffordshire, we have a very experienced protest removal team, and on occasion they have dealt with individuals glued to the top of fuel tankers by cutting them loose, using cutting equipment. There are obvious risks in that. Equally, if you go on to a busy motorway and glue yourself to it, there is a raft of risks from traffic, and risk to police officers. Understandably, we have seen members of the public, through sheer frustration, look to take matters into their own hands. You can translate that to power stations and other vulnerable sites. Although this may be attention-grabbing and headline-grabbing, the risks to the protestors, the police and members of the public are becoming ever more significant.

**Q3 Kit Malthouse:** Under current legislation, one of the challenges that you obviously face in looking after protest is balancing the right to protest against the right of others to go about their business. Could you explain

to us the training that a police officer has to go through in order to appreciate those balances, and how the judgments are made? What training is there around the danger presented to protestors, officers or the general public in protest situations? Does that colour the picture, when it comes to the conditions that may be put on a protest?

**Chris Noble:** There is quite a disciplined training regime. The training is licensed through the College of Policing. You have command training at what we call gold, silver and bronze levels. The strategists—those who develop a plan—are at the silver level; those who carry it out on the ground are at the bronze level. There is not only initial very intense and comprehensive training for those individuals, but annual continual professional development, which is annotated and logged. There is also re-accreditation to ensure that people are still fit for operation. There are also annual inputs on what has changed—training on new legislation, new powers, learning from court cases, different protest tactics and emerging risks—so there is a continual learning cycle, as well as a very detailed pass-or-fail approach to training.

This week, we had an early morning dial-in with the vast majority of gold commanders across the country to break out some peer learning around Just Stop Oil. It was about what we could do differently, and how we could learn. There are specialist teams in policing that share information and liaise with the Health and Safety Executive and other bodies on how we do our very best to minimise danger to protestors, the wider public and police officers.

The challenge for policing is that training is at one point in time, and tactics and intentions are constantly moving. There is a constant challenge in making police training fit for purpose. The one thing that stays consistent—you alluded to this—is the police commitment to striking the balance between our positive and negative obligations to protest, and our ongoing responsibility to those impacted by protest.

**Q4 Kit Malthouse:** Obviously, a significant amount of effort and capacity goes into this work. A final question from me: do you think the police would benefit from more pre-emptive powers to prevent some of these more dangerous protests and get ahead of them? As you know, the Bill allows the police to do that.

**Chris Noble:** In short, yes, we would. You have already partly qualified that. For us, the more intrusive our tactics, the more they need to be focused on the harm being caused. In our approach, there has to be a constant test of what is proportionate, and that is subject to significant internal and external scrutiny.

We can see greater risk of harm to communities and protestors if things are left to run. An example was the G7 operation. I was speaking to one of the senior commanders recently, and they described a lack of powers around stop and search for people with items that could only have been used for generating a lock-on device. They had to intervene later in the day, with more significant powers, on a wider group of protestors, therefore interfering with more people's rights. As long as early intervention and prevention are subject to proportionality tests, and are applied precisely, they are preferable to some of the risks that protestors place themselves under, and some of the significant disruption that they cause to other individuals.

**Q5 Sarah Jones** (Croydon Central) (Lab): Thank you for giving evidence to us today. Could you talk us through some of the powers that you already have to disrupt protests? Can you give us recent examples of when you have used them?

**Chris Noble:** Sadly, I am no longer a practising operational commander, so I will talk vicariously. You also have Phil Dolby coming to speak to you. He will be able to give you a flavour of the west midlands region. There is a range of powers, but the policing operation begins with communication and engagement. As soon as we are aware of a protest, the first thing we will do is link in with the organisers and understand how we can do our very best to minimise any intrusion on their rights and safeguard the right to protest. Our most powerful tactic is engagement and communication.

Very, very rarely will we ever ban a protest. We hear the lazy soundbite at times that police are looking to ban protests. It has not happened in many years. Even when we apply conditions under sections 12 and 14 of the Public Order Act 1986, which were the subject of the Police, Crime, Sentencing and Courts Act 2022, their usage is limited. We will record those. They are tested, and they are very often subject to court testing as well.

Then we have a range of other powers, depending on the level of criminality or risk that we identify in the protest. We are able to seize items and search properties, but that would be under a plethora of legislation and would be very specific to what we know in advance. In current protests, we often know little until something presents, or until very close to the event time. We have a range of powers, but they are not particularly coherent in the light of what is often a very poor line of sight around protest activity.

**Q6 Sarah Jones:** Can you talk us through some of your powers that have been used for arresting and charging protesters—for instance, aggravated trespass, criminal damage and obstructing a highway?

**Chris Noble:** Yes. I will take the example of obstructing the highway; those powers have recently been adjusted. With Insulate Britain and some of the obstruction of the M25 motorway, we were dealing with legislation that was drafted without those tactics or activities in mind. The powers are relatively low level, in terms of consequences; individuals who were arrested could be back on the scene the next day. The capability of some of those powers to deal with repeat protest or reckless protest is very limited, and I think a significant number of the protesters were very aware of that.

On criminal damage, there are opportunities, through those powers, for us to intervene where people are carrying specified items and going equipped to commit criminal damage. Aggravated trespass, which you alluded to, is particularly relevant. In the private space, there is no right to protest in anything like the way that there is in the public space. That is just a flavour of a number of the offences that most commonly come into play in protest. There are others that are perhaps a little more rare, including conspiracy to commit various offences.

**Q7 Sarah Jones:** Can you talk us through injunctions and how the police work through somebody getting an injunction? How does that operate?

**Chris Noble:** We have tried to make an assessment about the impact of injunctions, especially around Insulate Britain and Just Stop Oil. The feedback we have had is that when they are appropriately framed and developed at an appropriate pace, they can be very useful in terms of what we are trying to control and how we are trying to shape people's behaviour. I think, in general though, while they are a key tool, they are not the only one we need.

We have worked hard with private industry to give them information and knowledge about injunctions. I have worked closely with an industry on my own patch that is very up for taking on the responsibility along-side the police service for trying to target harder and prevent protest. On occasions, they will then look to obtain injunctions in terms of trying to prevent harm from being caused to their business, property and employees. Injunctions have been used increasingly frequently, but the challenge is framing them appropriately and securing them within a reasonable timescale so they can have maximum impact.

**Q8 Sarah Jones:** Is the timescale a frustration? Do they take longer than you would want them to?

**Chris Noble:** Yes.

**Q9 Sarah Jones:** Obviously, this Bill was first introduced last year as amendments to the Police, Crime, Sentencing and Courts Act 2022 in the Lords. Can you talk us through the consultation the Government have done on policing, both when the amendments were introduced in the Lords and now with this separate Bill?

**Chris Noble:** Again, this is slightly outside my corporate memory, but there have been very lengthy conversations as far back as 2019 with policing, in terms of the public order and public safety portfolios, about the adequacy of some of the powers. That refined itself down into some further conversations around some bespoke powers, many of which appear in the Act you have just referred to.

There is an ongoing conversation around policy in terms of public order and public safety. For example, in some of the Just Stop Oil protests we have seen a cross-departmental approach. The police were clear in identifying where they see some inadequacies and in the effects that they want to achieve. In many ways, there is a rolling conversation around public policy, some of which will translate into legislation at one point or another.

**Q10 Sarah Jones:** Back in 2019, Matt Parr did a big piece of work with Her Majesty's inspectorate of constabulary and fire & rescue services. Some of the aspects we are looking at today were debated and he thought about them, but many aspects were not part of that original process whereby he went out to colleagues to ask various questions that the Government had asked him to ask. A lot of his recommendations in that report said that the issues were not necessarily about legislation, but about training, resources and making sure that people upstream understand and have the intelligence that you referred to earlier to know that these powers are in place.

You also had some concerns about things in the Bill that he talks about—for example, the potential chilling effect on freedom of assembly that the stop-and-search powers, in particular, could have. Could you give us

your view on the non-legislative suggestions that he had and how important they are? What is your view on his concerns about some of the things we are talking about, in particular the suspicionless stop and search and the scope of police power that that provides to you?

**Chris Noble:** For clarity, when you talk about non-legislative suggestions, what are thinking about?

**Sarah Jones:** Not changes in the law; most of the recommendations in his report are not about changing the law. They are about

“equipping police commanders with up to date, accessible guidance...ensuring that they consider the levels of disruption or disorder above which enforcement action will be considered; improving the way that police assess the impact of protests...improving the quality of police intelligence on protests...addressing a wide variation in the number of specialist officers available for protest policing throughout England and Wales”.

It goes on. They are all non-legislative recommendations. They are about how you train and support, gather intelligence and have the right people in the right place.

**Chris Noble:** Absolutely. Thank you. For me, having the right powers is clearly going to be very important. I think the policing ask about the powers is very current, in terms of being up to date with the challenges we face and clear about where the policing remit sits, and the powers being coherent and capable of being implemented. While the approach around legislation is important, there are some qualifiers on it.

Equally, you are right because, in some ways, irrespective of the legislation we are debating today, the overwhelming police commitment, around policing in a human rights-compliant way—policing by consent—fundamentally cuts across all the relevant legislation. That would probably be my key point.

I absolutely agree in terms of training, leadership and learning as we go what we do and do not do well. Having scrutiny around public order operations, whether they be protests or other things, is fundamental in terms of public confidence. This is also about making sure there is no unhelpful orthodoxy of approach within policing; constantly checking and evaluating our training; sharing information within policing; and listening to, and perhaps on occasion challenging, critical voices to make sure we pick up the wide perspective of views around how the police protest policing.

It is also about ensuring that we are accountable. I have a local police, fire and crime commissioner who has a real interest around protest policing and how it is delivered and relevant scrutiny panels, which will look at other matters, such as use of force or disproportionality. One part of the jigsaw is undoubtedly the powers we have. They are important, but as important, and in many ways more important, is how this is done and how policing maintains and secures public confidence.

On that note, I can talk about stop and search as the second element. Again, we recognise this is contentious. Whether this is within protest policing or tackling violent crime, the checks and balances are exactly the same, but there is a gap for us at the minute in terms of, as we alluded to earlier, being able to intervene earlier to try and prevent the more significant harm and disruption that takes place.

This is not about stopping someone protesting. I have no doubt there will be circumstances where we will stop and search and maybe even seize an item from someone,

but they will still be facilitated in taking part in a protest. It is very much about recognising that particular articles and equipment are now being used to maximise disruption. Whether it is a suspicion-led or suspicionless power, we see real value in being able to intervene and ensure that the rights of everyone impacted by protest, as well as the rights of those expressing their views through protest, are protected.

Under the Police and Criminal Evidence Act 1984, code A will very much apply in terms of how it is done and how records are kept. If we move to a section 60 type power, which is similar to the one in the Criminal Justice and Public Order Act 1994, again, it would be a senior officer check and balance, and there will be appropriate scrutiny of how it is done. Of course, that can step into the realms of the inspection bodies reviewing it, and indeed of it ultimately being tested in court. We see it as a necessary power. There is a gap, but these things absolutely have to be done proportionately and transparently.

**Q11 Sarah Jones:** One more very small question from me—I could ask you questions for ages. On the disruption orders, I was on the Bill Committee that took through knife crime prevention orders, which are not dissimilar, and have not yet, I think, come into force because they are being piloted. What is your sense of them? Concerns have been raised by several people that, in a similar way to knife crime prevention orders, disruption orders go beyond the scope of what is required by policing.

**Chris Noble:** If we are talking about the serious disruption prevention orders, although the critical decisions will be made by members of the judiciary, obviously the police have a role to play in terms of potentially initiating these. Again, we would anticipate a high threshold. They will be for the most persistent and most reckless offenders, but we have seen a number of individuals who on occasions are making a mockery of not just the law, and less importantly the police service, but communities of interest in terms of their behaviours. I would not anticipate their being used on a common basis, but having the capability around some of the most persistent and reckless offenders would be helpful. There are significant checks and balances built in around capability and assurance in terms of who would grant those.

You are right that the powers exist in other parts of the criminal justice environment, with the supposed mantra being about controlling behaviour and not criminalising it, but we have heard quite a bit of noise from various parties about these things, so I think the rules and the protocols that exist, and the judicial test that would be applied, would be very important to ensure that orders are focused on the most potentially harmful individuals.

**Q12 Lee Anderson (Ashfield) (Con):** Thanks, Mr Noble, for giving evidence. It is really helpful. I want to talk a little about social media and how that helps and hinders you in your job. Social media is a great platform, but it is also good for fuelling protests. I want to know how social media can help you with some of these professional protesters. What more can we do to help you make sure you can do your job correctly?

**Chris Noble:** It probably comes back a little bit to the challenge we talked about earlier about thresholds. Quite appropriately, whenever we look at protests, it is baked

into part of a democratic society. In terms of articles 9, 10 and 11, from a police point of view, we of course respect those and want to give them appropriate regard. Social media, on the one hand, can be a help to us, in terms of getting a flavour of public sentiment, what is going to happen and where, and where the issues are. It can maybe give us a line of inquiry to follow, in terms of who we might want to engage with and maybe try to support and, where appropriate, in terms of shaping some of the protest's behaviour and activities.

On other occasions, there may well be offences committed on social media, which clearly we would need to look at, consider and progress with. Very often, most of the conversations taking place around protest are behind closed doors in social media, in various protected groups. Again, the thresholds that we currently work to would not allow us, as a general rule, to penetrate those and find out more information. So social media can be of use, but in terms of the most useful information about understanding the impact on the life of a community, some of that most significant information is not taking place in any sort of public forum at all.

**Q13 Lee Anderson:** Obviously, protests are becoming more prevalent with the social media age, as I have said. There is a massive opportunity cost here to the police force, so how are we increasing the use of things such as drones to help police protests, as well as animals, such as dogs and horses?

**Chris Noble:** We are open to using new technologies, whether digital technologies or the more traditional capabilities and assets that we have. I think that the challenge that we face, in terms of policing protests is that, again, whenever we look at the various elements of the Bill under discussion, around lock-ons and some other behaviours, there is a real complexity to the devices that, from a policing point of view, will take significant time to deal with, and, indeed, from a private company point of view, can take significant time and effort to deal with too.

Of course, the challenge is that a wide range of people are, on occasions, involved in protest—it might well be their first time within protest; it may well not—so in terms of offending behaviours and previous criminal records, some of the elements there, which may well be appropriate in bringing someone to account, may well not be there. We are open to using any and all tactics within protest, but as I say, probably the common theme around protest is around non-violent direct action; people who are very legally aware; flash protests, which emerge with limited notice; and some quite complex lock-ons, which individuals know we need to be very thoughtful in how we deconstruct, with regard to rights and safety.

There is no magic bullet to dealing with modern protest. It is a combination, as we have just heard, around legislation, engagement and appropriate tactics, and then constantly trying to be innovative in trying to strike the balance between competing rights.

**Q14 Lee Anderson:** Just one more question, Mr Noble. This is about tunnelling—protesters tunnelling underneath roads and fuel depots. My big concern is that somebody is going to get seriously hurt, whether that is the protester or, more importantly, the police officers. Can you just

explain what you have to deal with—not on a daily basis, but in general—with tunnels, and the measures that you have in place to protect your officers.

**Chris Noble:** This is very close to home. We have a live operation in Staffordshire, which has been running now for some time, involving a number of protesters. It is incredibly complex, clearly. We have a limited idea of what is going on under the ground, in terms of what risks might be there. Are they near utilities? What risk could there be in terms of collapse of tunnels? It is clearly not a safe environment unless it is done by professional tunnellers. There is an inherent risk there, as well as the impact on the legitimate business going on in that area.

At this point—this probably goes to the core of one of the key issues that police are keen to discuss within the Committee—the vast majority of that work is done by the landowners and private companies that are skilled and experienced within this work. While I have some dedicated resources allocated to that at present, if that responsibility was to significantly shift to policing, it would cost me probably in the region of £80,000 a day to resource that. It would need significant officer resources, which clearly would need to come from elsewhere, so it is not only inherently dangerous; it is costing significant money and it is undoubtedly impacting on the genuine, legitimate business interests of various companies.

The key, for me, is not so much even, necessarily, an offence around tunnelling, because we may well have powers that, broadly speaking, exist to deal with it—we are keen to develop that conversation. The challenge is in preventing it in the first place, and then in how we can work with industry and landowners on how we could potentially remove individuals more quickly. However, we are concerned that we have seen tunnelling come back on the radar again, and people will be held to account for what they do.

**Q15 Wendy Chamberlain (North East Fife) (LD):** Good afternoon, chief constable. Thank you very much for your time. The Minister asked you about training requirements. Can I ask about Staffordshire police in the first instance? How many officers do you have trained in these tactics, at command level—gold, silver and bronze—and among the police officers that are deployed?

**Chris Noble:** From a gold point of view, we probably have two or three officers who are trained or just about to do a credit, but we are also able to draw on neighbouring forces for that strategic support and command role, and top that up as necessary. Silver-wise, it is probably more in the region of maybe a dozen officers, again either accredited or being trained. For bronze, it is probably more in the region of a couple of dozen officers.

Now, this is not their day job. They do not wake up every morning and become a bronze commander and that is all they do—they are neighbourhood officers, they work in the criminal investigation department, they work in public protection teams—so while we have significant numbers of command officers, they are constantly being drawn for other matters. Whenever we have environmental protests or protests around High Speed 2 or other areas, there is a drain of that leadership role from elsewhere. We maintain hundreds of other officers within Staffordshire with a range of public order skills and capabilities but, again, none are completely

dedicated to it. We would have about two dozen officers trained, as a minimum, in some other specialist skills as well. It is a significant commitment to maintain that training, but Staffordshire has definitely attracted some significant protest activity, so it is a necessary investment.

**Q16 Wendy Chamberlain:** When you say “significant”, what are we talking about in terms of abstraction rates, not only in terms of policing these protests but in terms of training?

**Chris Noble:** Training for the more specialist roles could be at least two or three weeks a year, in terms of the various skills that they need to maintain. For general public order trained officers, you are talking about two to three days per year to maintain that. From a command point of view, depending on refreshers, it could be a week a year. The bigger challenge is when they are deployed. If we take, for example, Just Stop Oil—we supported colleagues in a neighbouring force. Our protest removal team was essentially out of force for two weeks, consistently maintained within those deployments. There are abstractions around training, but we are finding because of the dynamics of the protest environment at the minute, either in force or supporting other parts of the country, those abstractions are increasing.

**Q17 Wendy Chamberlain:** Is the reality that with new legislation, and therefore additional training requirements, those abstractions would potentially be increasing?

**Chris Noble:** I see your line of questioning. I suppose we would be hopeful that by being able to intervene earlier, we could maybe limit the impact of protest. I think the proof of that will come out in terms of whatever moves from the Bill into formal legislation.

The biggest challenge that policing has at the minute—one we are keen to discuss as the Bill progresses—is any shift from public realm protest policing. If we moved more into a private space than currently, we would see that as potentially being incredibly significant for money and opportunity lost in terms of policing communities. Those abstractions would probably quite fundamentally change my local model of policing, in terms of being able to maintain that. That does not mean that we are any less committed to working with businesses and organisations to try to minimise the extreme disruption that can be caused to them on occasions.

**Q18 Wendy Chamberlain:** The report from Her Majesty’s inspectorate of constabulary and fire and rescue services, “Getting the balance right?” found that insufficient officers were coming forward for training in these roles. Is there any evidence that you have seen that that has changed?

**Chris Noble:** Not within Staffordshire. That said, when you look at the challenge that is applied to policing of protest from those who protest, from those who are not happy with protest and those in the media looking on, I am not quite sure why some people would want to, but they do—they step up. They are excellent. They come back from training. They seek out the roles. They are open to feedback and learning and training. I have a huge amount of regard for them.

I have not found people being reticent to step up because, fundamentally, it is a core part of our democracy. Having local officers dealing with local protest, who are

then policing those communities the next day, is incredibly important for me. I have not seen a reticence, but it is an incredibly challenging job. Very often, there is a perception that we do not get it right, when actually the inspection report was very clear that in the vast majority of occasions we did and a minor recalibration was required around the balance we needed to strike.

**Q19 Wendy Chamberlain:** Obviously this legislation is England and Wales only, but as we saw in COP26 in Glasgow last November, mutual aid is critical for policing services across the UK. What assessment has been done by the NPCC in relation to the impact the change in legislation might have on mutual aid?

**Chris Noble:** There is a rolling assessment with a part of policing called NPoCC, which is the police co-ordination body. As it becomes clearer what legislation will take place, those conversations will step up in terms of what it might mean for other jurisdictions, whether the legislation applies and whether the learning transfers across. We are constantly in contact with the devolved Administrations, and with European colleagues more widely, about legislation, tactics and police capability. Rest assured that those conversations will continue.

**The Chair:** Andrew Bridgen and then Anne McLaughlin, but we will need quick questions and quick answers if everybody who wants to participate can get a chance.

**Q20 Andrew Bridgen (North West Leicestershire) (Con):** Thank you, Chair. I have two quick questions. Chief Constable, you have talked about the ability of protesters to find legal loopholes. Are there any measures you would like to see in the Bill that are not in the Bill? Have you spotted any loopholes at this stage?

**Chris Noble:** No, not as yet, but we are very aware that as legislation is cast, people will look to see where it begins and ends, so I think it will be a constant piece of scrutiny from us.

**Q21 Andrew Bridgen:** You talked about public frustration at the current tactics of protestors and about the risk—we have seen it—of the public taking matters into their own hands, perhaps with some mitigation if someone was being taken to hospital or an emergency vehicle was being disrupted from going about its essential work. Would you agree that, when enacted, the Bill will protect not only the public interest and the public, but legitimate protestors?

**Chris Noble:** I think it has that potential. Clearly, as to how it actually works on the ground, each circumstance will need its own assessment and its own operation. That will play through, but there is no doubt that a number of the elements in the Bill are clearly responding to current challenges for policing. But ultimately, this will still be down to individual choices, decisions made on the day and the attempt to try to balance the rights that are at play. This is not a science for police officers in day-to-day public order policing: it is an art, it is discretion and it is matters of judgment. As elected Members, I know that you appreciate that. As we said earlier, this is a key element around trying to have current and up-to-date legislation, but there are elements of the Bill where defining a bit more what they mean

and do not mean would be very helpful for day-to-day policing, however we achieve that precision of language and detail.

**The Chair:** Anne McLaughlin and, if there is time, Rupa Huq, but we have to finish at 12.15 pm.

**Q22 Anne McLaughlin** (Glasgow North East) (SNP): Thank you, and good afternoon. I had four questions, but I will keep it to two. I want to look at the offence of being equipped to lock on, which the Bill creates. That is where an individual has an object connected with locking on. How will the police decide what objects are connected with locking on, and could you give me some less obvious examples? A big chain with a padlock is fairly obvious, but there are more everyday items that people could have for legitimate purposes or for locking on. What are they, and how does a police officer decide?

**Chris Noble:** I do not want to broadcast too easily what people might want to use, but it is a good challenge. There will be very obvious elements, such as bamboo poles or scaffolding, which would probably give us a bit of a hint. But you are right: there are other, more innocuous items, such as bicycle locks—clearly, there are many cyclists around—glue and so forth. It will have to be very context-specific. It may well be relevant to other behaviours at the time—what else is going on, and have we picked up something on social media? It will be down to individual discretion. Again, this is not about criminalising people. The outcome we are looking for is minimising disruption, so the policing focus will be around how we do that, as opposed to how we criminalise someone for having an item that can be very difficult to prove exactly what it is for.

**Q23 Anne McLaughlin:** I would love to follow on from that, but I will not. The next thing I want to ask about are serious disruption prevention orders. The HMICFRS report said:

“We agree with the police and Home Office that such orders would neither be compatible with human rights legislation nor create an effective deterrent.”

Do you agree with that? If not, could you say why, and how issuing one of these to someone without any criminal conviction is compatible with human rights legislation?

**Chris Noble:** The language is slightly different, albeit the concept is broadly similar—HMICFRS was looking at and discussing protest banning orders. From a policing point of view, unless we knew the exact circumstances of the individual it would be hard to say how exactly the orders could be justified. As I alluded to earlier, we would see them as potentially being relevant to more persistent and reckless offenders when other methods of intervening were not seen as successful or were not capable. The standard tests on proportionality would be applied, and ultimately it would be a matter for the relevant judge to make a decision as to how they could be justified or not. I would not rule out them ever being used—I see it very much as a top-end tactic or power—but I would not want to preclude the creativity and ingenuity of protesters meaning the orders might well be the only thing left open to us.

**The Chair:** Mr Noble, I wanted to allow you to finish that answer, but that brings us to the end of our allotted time. Thank you.

## Examination of Witnesses

*John Groves and Nicola Bell gave evidence.*

12.15 pm

**The Chair:** We will now hear oral evidence from John Groves, Chief Security and Resilience Officer at High Speed 2 Ltd, and Nicola Bell, Regional Director South East at National Highways. For this panel, we have until 1 pm. Will the witnesses please introduce themselves for the record?

**Nicola Bell:** Hello. My name is Nicola Bell and I am the regional director for National Highways in the south-east. On a day-to-day basis I am responsible for the day-to-day running of the motorway and A road network in the south-east of England.

**John Groves:** Good afternoon. I am John Groves and I am the chief security and resilience officer for HS2 Ltd. My role principally involves protecting and safeguarding HS2 and, in this context, dealing with the protestor risk.

**The Chair:** Thank you. We begin this questioning session with Ms Jones.

**Q24 Sarah Jones:** Thank you both for coming to the Committee. Let me start with Mr Groves, partly because I have your written evidence in front of me and it is very interesting. I wish to explore with you the issue of injunctions, because in your evidence you set out that there is a problem with people who seem like frequent flyers—a small number of people who come back again and again—and that you are frustrated with the criminal powers. You say that the civil injunctions are useful but expensive. You have set it out in your evidence, but it would be useful if you could talk us through how you have used the injunctions and the process you are currently going through with the large, route-wide injunction you are pursuing.

**John Groves:** As you say, we are under constant attack from illegal protest. We work closely with the police and seek their support in dealing with that, but in the past we have had to use three High Court injunctions on different parts of the route because we felt we were not getting where we needed to through using the police.

We have applied for a route-wide injunction, there has been a hearing and we are waiting for the outcome. Rather than going back every time to each parcel of land, we have asked the court to give us a full route-wide injunction, which we hope will have some effect on the behaviour of the illegal protestors. The decision by HS2 to seek that High Court injunction was taken in between the failure of the previous legislation and the introduction of this legislation. We hope the High Court injunction will have a positive effect, but it is still limited and we still look to the police to support us.

**Q25 Sarah Jones:** Can you talk us through how you get an injunction—how long it takes and what you have to do?

**John Groves:** It can vary. We can secure a High Court injunction pretty quickly, depending on the circumstance, but it can take a long time—two to three months. Our application for the current injunction went in in March

and there was a hearing at the end of May. We are still waiting for the outcome of that decision, and as soon as we hear, we will want to get moving on it.

**Q26 Sarah Jones:** If changes were to be made to the way you apply for injunctions and how that works, what would make your life easier when you are trying to get them?

**John Groves:** As you said at the beginning, they are very expensive, and they do not always have the effect that we are seeking. Fundamentally, what we are seeking to do is deter illegal protester behaviour and stop it happening. What we have seen, as the chief constable alluded to, is that HS2 is running an operation right now in Staffordshire with people who have been subject to court action in the past, and just continue to come back and repeat the same behaviour against us. It is useful, but it is not having the full effect that we need.

**Q27 Sarah Jones:** Could I ask Ms Bell to talk us through the current policing powers that have been used on the highways, and in particular around people blocking the motorways, some of whom have ended up in prison? There has been a process, and there are powers in place. Can you talk us through what they are and how they have worked?

**Nicola Bell:** Absolutely. Just to put it in context, we look after something like 4,500 miles of motorway and A roads, and the difference we saw this time around was that they are not just related to a site, like HS2 for example. We had protesters literally popping up everywhere; you did not know where they were going next. The police were arresting them using their existing powers—obstruction of the highway, maybe—but they were telling us that that was not a deterrent to them coming back out literally the next day, which was why we then sought to get injunctions ourselves.

We ended up applying for four injunctions in total. We were granted all of them, and if those people then went back out again, ultimately we had to follow that through with committal proceedings, which take a lot of time and effort. That alone—those people breaching that injunction order—was the thing that meant they would be sent to prison or ordered to pay costs. In total, we ended up with 34 defendants. Some were sent immediately to prison, which I think ranged from 24 days to six months, and then you had 18 people who ended up with two-year suspended sentences, but it was for National Highways to pursue that, not the police, because the injunctions that we were granted did not come with a power of arrest. If you are a local authority, for example, you can get a power of arrest with an injunction. We are a private limited company, so we cannot, and therefore it is up to us to keep on going with the injunction process.

It is important to point out that you then have two processes running in parallel. The civil proceedings have now happened, and the police are only now starting the criminal proceedings, which will probably run until December this year. Remember, that is for protests that happened on our network at the tail end of last year. The first protest by Insulate Britain was on 13 September, and the last one was on 2 November, so we had over 30 protests in 15 locations in less than two months.

**Q28 Sarah Jones:** You obviously have these hardcore people who are persistent: who are being arrested, being charged, and then coming back again. To what extent do you think a new offence of locking on, or whatever it might be, will change their mindset in that sense? Obviously, there are criminal charges that can lead to legal action, and injunctions that can lead to a more stable situation but are costly. What, in terms of more and different charges in the Bill or generally—calling them different things, but they are still criminal charges—would stop those repeat offenders who are intent on popping up on a motorway or blocking your building?

**John Groves:** We have recorded 1,600 incidents against HS2 since the end of 2017. All of that is unlawful activity—trespass, violence against staff, criminal damage. Not all of those offences will lead to an arrest or any legal action. So, for us, this legislation is about the deterrent effect—absolutely. The extent to which it will cause a behavioural change in those who are participating is, I guess, the open question, but I would certainly see that tougher sentences and more police action would help—absolutely.

**Q29 Kit Malthouse:** Mr Groves, may I start with you? Could you just give us a picture of what you have had to put up with over the last few years? Obviously, in your written evidence you outline the cost—the very significant cost—there has been to HS2. However, I was very struck that in your evidence you alluded to some of the conduct that your staff and contractors have had to put up with. Could you give us some examples of the kind of treatment that they have had at the hands of these so-called protesters?

**John Groves:** Absolutely. It is probably everything and anything. We have seen violence against both staff and against those who are building the railway—so it is not just security staff who engage with them. These are protests that are taking place not just on the ground, but in tunnels. I am sure that you will all remember what happened at Euston; there was a 25-tunnel network under Euston. When we went in there to remove the protesters, the protesters were using lock-on devices sub-surface. There was violence against staff in there.

We have seen large-scale trespass. In Buckinghamshire, we did an operation to remove protesters from a site. We secured the venue, but they came back with about 100 people. They shone lasers in the eyes of staff members, they threw human waste around—I mean, it is the full panoply. What is different between what you see against HS2 as compared with other locations is that it is probably quite invisible to most of the public. Again, we have got an operation live at the moment. I have four protesters in a tunnel at the moment and they have been there since 10 May, and that is costing the taxpayer a huge amount of money. The safety risk to them, not just to the people who are working on the surface to support them, is significant. As you say, up until the end of March, £126 million of taxpayers' money has had to go into protester removal or the cost to HS2 of the delay that these illegal protesters are causing us.

**Q30 Kit Malthouse:** Just to be clear—obviously, we all understand this, but just to be clear—the birth of HS2 followed a democratic decision in this House,

[Kit Malthouse]

following significant public debate and indeed protest and all the rest of it, and a decision was made, I think on a cross-party basis. Is that right?

**John Groves:** Indeed, yes.

**Q31 Kit Malthouse:** Right. You do not quite say it in your written evidence, I do not think, but your view would be that these protesters are effectively trying to frustrate a democratic decision of this House.

**John Groves:** Yes. I mean, if you consider the definition of “protest”, you have people protesting in Swynnerton, Staffordshire—they are not particularly visible to the public. Other than probably at Euston, that is what we have seen consistently right across the piece. I would say that nearly every day there is something—there is an incident, an unlawful act against HS2.

**Q32 Kit Malthouse:** On persistent offenders, obviously, you have got what sounds like a hardcore group who come back again and again and again. Do you believe that the powers in this Bill to place controls on them would have a significant impact on your ability to complete the project?

**John Groves:** I hope so. I mean, it is about the deterrent. The overwhelming issue for us is tunnelling, because it is the thing that causes us the most significant cost and delay. We can, with the support of specialist contractors, move people off our land, but when there are tunnels involved, or high structures, which we also see quite regularly—they will build structures on the surface, at height, and underground. However, the tunnels are the most significant, for us, in terms of removal and, again, the safety risk is significant.

**Q33 Kit Malthouse:** Thanks very much. Ms Bell, I just wanted to ask you a little bit more about the injunction process, because it strikes me that there is a bit of confusion about the civil route versus the criminal route and what is possible between the two, which is being alluded to. I am sure that you will recall that the Labour party called for a nationwide injunction to deal with those protesters at the time. However, it is the case, as you say, that those injunctions are very difficult to get and although they require a lower standard of proof, they are a much more elongated process than necessarily a criminal charge.

**Nicola Bell:** Yes, absolutely. The thing is that I think a lot of people at the time thought that an injunction was the thing to go and do, but you must see it through; you must follow up with the committal proceedings, and it is that that then takes the time. We had to apply for a very urgent injunction, sometimes overnight, with things being prepared at pretty breakneck speed in order to try and protect what we were seeing. I am sure you are all aware of what we saw on the M25, with people either gluing themselves or sitting on the road. It is about the resource intensity that is needed to follow that up and follow that through. If I take the example of a day that they were protesting, on 8 October, by the time that got to court, that was at the end of November and by then Insulate Britain had called off its protests.

**Q34 Kit Malthouse:** Would it be fair to say that there is an asymmetry between what is available as a sentence under the injunction? I think it is up to two years.

**Nicola Bell:** Yes, two years.

**Q35 Kit Malthouse:** Two years with a judge and quite a significant fine, but at the discretion of the judge. However, it does not have a power of arrest. On the flip side, while there was a power of arrest on some of the offences that were committed, such as obstructing the highway, actually, the sentence that is available is low and nobody, I do not think, will be in prison under any of the charges that have been laid.

**Nicola Bell:** No. I think you heard from the chief constable earlier that the arrests being made on the day were being made for low-level criminal offence—I think they were the words the chief constable used—for obstruction of the highway. It was literally going to the police station, getting processed and, the very next day, often the same person going out to another part of the M25 to do the very same thing again.

**Q36 Kit Malthouse:** I think I am right in saying that obstruction of the highways carries a maximum level 3 fine, which is up to £1,000. Is that right?

**Nicola Bell:** Yes. I am a civil engineer not a lawyer, but—sorry.

**Q37 Kit Malthouse:** I thought you may have had to research it.

So in your view, would it be a sensible move to combine the best of both? Effectively having a power of arrest for an offence that attracts a not dissimilar level of sentencing, which might act as a deterrent, that you would get under an injunction.

**Nicola Bell:** I think the level of offence is a matter for the police. For me, it is the same as John has mentioned. It is about the deterrent and, for me, it is really about safety. Walking on to a 70-mph road is not wise. If you look on Insulate Britain’s website, you will see evidence of the day they blocked the M25 at junction 25, where four protestors came out and sat on the road. They did exactly the same on the opposite side of the carriageway and that footage clearly shows the police in danger, my traffic officers in danger and the protestors in danger as people are trying to swerve, brake and avoid them. What is included in the Bill, I hope, offers that deterrent. That is what I would like to see given that my job is about trying to keep the motorway network flowing as freely and as safely as possible. If something deters them in terms of the locking on or interfering with infrastructure—of course, we have talked a little bit about the serious disruption prevention orders that might be available—maybe that might mean that you do not have to apply for an injunction because, actually, those repeat offenders could be tackled through that means.

**Q38 Kit Malthouse:** Finally, from my point of view those protests cause a significant impact on the road network, which would have had an immediate impact on those individuals, but presumably, somewhere in your department or the Department for Transport, there is an economic impact that these things have. Have you been able to cost the economic impact of those kinds of delays?

**Nicola Bell:** I do not have the exact figure, but I will just give you a couple of examples. There is a day when they protested at Littlebrook interchange, just off

junction 1A of the M25—maybe some of you will know it. Four protestors sat across our traffic signal control junction. You might have thought that was not going to cause too much impact because it is just a little bit off the M25. The impact was 4 km of slow-moving and queuing traffic over the Dartford crossing, and it took until lunchtime for the effects of that to disappear. The day they protested down at the port of Dover, they sat on the road, but two protestors climbed up the side of an oil tanker and glued themselves to the top of the oil tanker while we got rid of the people on the road. By mid-morning, the effects of that around the roads in Dover were felt until about half-past 5 in the evening. The economic impact of that alone, given the importance of road freight to the UK and goods coming in and out of Dover, probably speaks for itself.

**Kit Malthouse:** Thank you.

**Q39 Anne McLaughlin:** Good afternoon to both of you. My question is for John. In your written evidence, you stress several times that the protests that you face are often unlawful. If Nicola agrees, I am happy for her to answer as well. If they are unlawful, that means that the legislation already exists to prevent or stop these protests, otherwise they would not be considered unlawful. In your view, what is it that stops those existing laws being implemented, and what is it about this proposed legislation that will make it more likely to be implemented?

**John Groves:** I come back to the tunnel point I made earlier. I assume that those that participate in going on to land and trespassing on land and digging tunnels know that they are breaking the law. but they do not see the current law as a significant deterrent to stop them from doing that. The police will always seek the balance between lawful protest and the rights of the landowner or whoever. Invariably, that often means issues with access to sites.

Access to some of our sites has been delayed for about eight hours. We cannot do any work. We cannot move vehicles in or out of our sites, because protestors are sat down outside at the access point, sometimes locked on, sometimes not. The police are there but they will not take action because they are allowing the right to protest. Because the protestors are not on HS2 land, we cannot do anything about that. We cannot move them on—on the public highway, only the police can move them on.

My sense is that this Bill, if enacted, will provide a deterrent effect for the protestors. I come back to the safety point—I am sorry to keep going on about tunnelling. Four people in a tunnel is such a serious thing; I am concerned that we will have a fatality at some point in the future. We have been really lucky. We have had four or five tunnel incidents and we have yet to have any serious injury, but I suspect it will come one day, if it continues in the way it is going. If we look at our data, we are seeing protestors turning to tunnelling more readily. In the operation we have just run, there were four shafts on one piece of land; they moved on to another piece of land very quickly and they started to dig a tunnel. We were able to get in quickly and move them on. That is my principal concern.

**Anne McLaughlin:** Do you want to respond, Nicola? You do not have to.

**Nicola Bell:** No, it is the same as what I was talking about before. It is about the fact that the police recognised that there was nothing that would stop somebody just keeping on doing this. They could arrest them, but it was a low-level criminal offence and ultimately that was not going to deter what we were seeing, which was pretty unprecedented, really—that level of protest in the south-east of England over the tail end of last year.

**Q40 Mrs Natalie Elphicke (Dover) (Con):** My question is to Nicola Bell. The Bill intends to make deliberate interference with key national infrastructure a criminal offence. As we have just touched on, Dover has several pieces of key infrastructure, such as the national strategic road network, the M2/A2 and the M20/A20, and the port of Dover itself, which transits about a fifth of all our goods. In recent years, the port and the strategic road network have been targeted by extremists on several occasions. We have mentioned the 2021 incident, which saw people gluing themselves to tankers and closed down the port and the M2 and M20. Going right back to September 2019, we had a similar incident with extreme protestors that saw the port completely shut down and disruption to and closure of the A20 and M20.

I was hoping you could expand on your earlier answer to give the Committee more of a feel for the impact of this kind of traffic disruption on the Kent and Dover economy and its importance to the strategic network for the nation, and for some of the safety and other challenges in dealing with these incidents that are different from the ordinary traffic disruption that your team deal with on a more regular basis.

**Nicola Bell:** The bounds of my responsibility would be, for example, the traffic officers that you see as they patrol the network. On the day of a protest, our role would be to try and create a safe space for the police to then get in and do their job. For example, on the day that they protested down in Dover, that was about protecting the area to allow the police to get specialist people in to get protestors off the top of the tanker and to therefore get the port open again and get things running.

On your point about the economy, as I mentioned earlier, 80% of domestic freight still uses road, so that is a pretty big impact on the economy. We know that most of our goods come in and out of the port of Dover, so therefore the roads they take—the M20, the A20 and the A2—are very significant indeed. Ultimately, the cost also relates to people not getting to where they need to be on time—whether that is missed appointments or freight not getting to where it needs to get to on time. I do not have an exact figure for the impact on the economy. I know that some of that has been worked on, and we can perhaps provide that to the Committee in writing afterwards.

**Q41 Tom Hunt (Ipswich) (Con):** My first question is primarily for Nicola. Of the protestors who have been blocking key roads, such as the M25, roughly what proportion have been locking on or gluing themselves to a road, as opposed to just sitting on a road?

**Nicola Bell:** What we saw was that, first, they got themselves on to the road and sat down, then they waited until the police arrived, and then they started to

lock on so that they were causing maximum delay. I would say that, on average, if you had 10 of them sat down, at least three quarters of them were glued.

**Q42 Tom Hunt:** So they got there initially, sat down and did not immediately lock on, and then they would wait for the police to arrive and start doing it. Did the police do anything to stop them when they saw them doing it?

**Nicola Bell:** You can see in some of the footage, which is freely available on Insulate Britain's website, that the police are trying to stop them putting their hands down on the road surface. As soon as they put their hand on the road surface, specialist teams need to come in to de-bond them, as it were. That adds to the safety risk but it also adds to the delay.

**Q43 Tom Hunt:** Broadening it out to Nicola and John, this Bill will hopefully do some good things in providing a deterrent, which both of you have mentioned. On the police's threshold to intervene and the balance they strike between the right to protest and the right of others to go about their business, do you think they strike the balance about right at the moment? Have there been occasions where you have been frustrated that the police have not intervened as robustly as they could have done within the existing laws?

**John Groves:** In the most recent experience I can talk about, the police were frustrated that they were not able to step in and deal with it. They were not on the ground immediately. Certainly, there is frustration from my team on the ground that the police are not more direct with some of the protesters; that is certainly true. Invariably, what happens on HS2 sites is that protests get there some weeks ahead of when we plan to take possession of land, so they are always looking forward and looking at what we are about to do. We publish all this information online about where the route is and when we will be taking possession, and they are always ahead of that.

**Q44 Lee Anderson:** I would like to know what sort of impact this has on the morale of your contractors and employees on site.

**John Groves:** It has a significant impact on morale. Invariably, my security team and my security contractors, who are somewhat used to dealing with difficult people—if I can put it like that—are subjected to verbal abuse pretty much all the time they are confronted with legal protesters.

Obviously, there is a broader range of people who are supporting and delivering for HS2 who did not sign up to being verbally abused or being chased around a field when they are trying to undertake an ecology assessment, for instance. We have also seen throughout our joint ventures that the tier 1 contractors that are doing the work of building the railway are having to invest in a lot more physical security and a lot more support for staff across a broad range, so it does have a significant impact.

**Q45 Lee Anderson:** Going to work and being threatened and intimidated is pretty awful. What more can we do, working together with you, to make sure you retain those staff? It is quite important that you retain the staff and get on with the job.

**John Groves:** Absolutely, that is an issue for the economy—job retention and retaining the skills we need to build the new railway. As you can see from my evidence, we are putting a lot of money into physical security, and we are working through the joint ventures, which have some responsibility for their own staff. Fundamentally, as I said earlier, if this legislation is enacted and it provides that prevention, those risks will reduce, our costs will reduce and, you would hope, the staff who have been impacted will feel far more comfortable and at ease in coming to work every day.

**The Chair:** Do any other Members wish to raise a question? Ms Jones.

**Q46 Sarah Jones:** It is really clear that the cases you are talking about are people doing criminal activity that need to be stopped in the best way we can—I do not think anyone on this Committee would think otherwise. It is important to say that. There is no question there—the question is how and what the tools are.

I have a couple of follow-up questions. In the Police, Crime, Sentencing and Courts Act 2022, which has not yet come into force, there are lots of changes to protesting. They are not yet law, but they will become law as soon as the Government get around to doing that. One change is that obstruction of a highway will carry a prison sentence of up to six months. The Minister was talking about it being a fine—it will now be a prison sentence of up to six months. There is also a raft of stuff about imposing conditions on static protests, so, if you are organisers of static protests, there are conditions on those, and, again, you can be imprisoned for that.

What is your assessment of the impact that that legislation will have when it comes into force? There is a question as to whether we should implement that legislation to see whether it has an impact before we move on to other things. What is your assessment? Will it have an impact?

**John Groves:** From HS2's perspective, it will be limited. Protest on the public highway is limited in terms of the impact it has on us.

**Q47 Sarah Jones:** But static protests can be anywhere. It is the police imposing conditions on static protests, in the same way as they can in—

**John Groves:** It may have some positive effect, but—I am sorry to repeat myself—tunnelling is the biggest issue for us, and I do not believe the Bill deals with that. Lock-on, as well, has a serious impact on us.

**Nicola Bell:** From my perspective, it is about seeing what impact that has and what the outcome will be. Obviously, it will be for the police to decide whether or not they are going to then use that new power to do exactly as you said. It is really about the impact that it has and whether it will be enough to act as a deterrent against people coming back. If it does, that is positive as far as running the strategic road network on a daily basis is concerned.

**Q48 Sarah Jones:** Presumably it is more of a deterrent if it is a six-month prison sentence.

**Nicola Bell:** Yes.

**Q49 Mrs Elphicke:** I just want to draw on that a bit more, Mr Groves. I think most people recognise that there is a difference between making a political protest

and just causing trouble—deliberately blocking national infrastructure and affecting other people and how they go about their lives. Tunnelling is obviously far less visible than the sort of thing that we have seen on the highway. What do you feel is the intent behind some of the activity you see? Is it just to stop what you are trying to do?

**John Groves:** Absolutely. The protestors state that in their social media posts and in the things they say directly to us when we are talking to them. They are intent on stopping the project. They want to stop the railway. They believe it is the wrong thing to do.

We have had to shift how we approach the removal operation by taking land earlier, to build in sufficient time for removal, so that it does not have a direct impact on the programme. We have learned as we have gone along and, as the protestor strategy has changed, our reaction to that has changed. Again, it is expensive work, having to have a High Court enforcement team, paramedics and mine rescue there 24/7, since 10 May, until they come out. Then we hand that over to the police and also probably the ambulance service.

**Q50 Wendy Chamberlain:** I thank you both for your time. What has come through strongly in your evidence is about very committed groups of individuals who have no regard for the law as it currently stands and are continuing to break it. What you have both said is that you hope this additional legislation will be a deterrent. Why do you think this legislation will be a deterrent, given what we have just described and what you have illustrated about very committed groups who pay no attention to the law?

**John Groves:** I would expect that, if the legislation is enacted and the police pursue charges against individuals who are breaking these laws, it will have a direct effect. At the moment, when you compare the number of incidents we are seeing against the number of prosecutions and convictions, there is a disparity. I would hope this legislation would initially have a significant effect, and hopefully the deterrent effect will tail off after that and we would see a reduction in it. That is how I see it.

**Nicola Bell:** Similar to what I said earlier, for me it is about that repeat offence, where people keep going back out. That is one of the biggest impacts for us—what could be used under the serious disruption prevention order. I guess it is about them having more powers. All I can say is that, with the system as it is working at the moment, the police are telling us they do not have anything to deter and so they continue this repeated behaviour—hence why the injunctions were sought.

**Q51 Wendy Chamberlain:** Mr Groves, you said that these groups are very good at looking forward and looking at where you are. Once this legislation is in place, where do you think these people will go next?

**John Groves:** I do not know. In terms of the numbers of people we see protesting against HS2, we think there is roughly about 150 that are the core. Within that, there is a focused 20 people. It is not a big number, but we also see that they move between different causes and different protests. I suspect that we will see some of the people Nicola has been talking and vice versa. They will move. If there were a new Heathrow runway being built or a new nuclear build, they would probably move in those directions as well.

It is a relatively, I think, small community, albeit they draw in quite a large number every now and then. They will move on to other things, which is probably why the order would be helpful in that respect. At the moment, we are focused on HS2 actions in terms of our security and injunction work, but if the order has a broader effect across protestor activity in general, that would be positive.

**Q52 Andrew Bridgen:** My questions are for Mr Groves. I will declare that I am no fan of HS2. Indeed, I voted against it at every opportunity I had in the House. However, as we all know, the majority of the House approved the project. Many of my concerns are about the spiralling cost of HS2. Could you tell the Committee again the costs of security measures for HS2 and removing protesters? Do you have any estimate of what the savings would be to the taxpayer if the Bill is enacted?

**John Groves:** It is not just standard security for a site, which you would expect to see anywhere. The direct costs of protestor activity to the taxpayer up to the end of March were £126 million. We estimate that by the end of next year, that could in a worst-case scenario reach £200 million.

**Q53 Anne McLaughlin:** My question is for Mr Groves. If tunnelling is the biggest issue for HS2, are you surprised that it has just been added on as an amendment, given that it is so important? What that does is cut out the consultation—there has been no consultation on it—so are you surprised that it has just been added on?

**John Groves:** Certainly, looking at the Bill when it was published, the things we have seen and discussed today are important. The introduction of the tunnelling amendment is very positive from our perspective. I have not got any comment on the timing of it.

**Anne McLaughlin:** I suppose that is a question for the Minister, but I am not allowed to ask the Minister.

**The Chair:** We are questioning the witnesses at this stage. In due course, I am sure you will have the opportunity to question the Minister.

**Q54 Kerry McCarthy (Bristol East) (Lab):** Can I go back to the question of deterrent? With some of the groups we are talking about, particularly the environmental campaigners, the aim is to get arrested—that is very clearly stated. I have seen calls to action where it says, “Our objective is to have x number of protestors, resulting in x number of arrests.” What makes you think that deterrence will make any difference, because the more offences there are, the easier it is going to be to get arrested for something, and that is their objective?

**John Groves:** All I can say is that it is about the penalty that could follow an arrest. As I said earlier, if you contrast the number of incidents we have seen on HS2 sites against the number of arrests, there is a disparity. If there are more arrests as a result of what they are doing today, and there are more penalties, that should have a deterrent effect. In terms of fines, it is interesting that we have seen some offences being prosecuted and resulting in a fine. What sometimes happens, and we have seen this in other places, is that they will crowdfund and those penalties will be paid by others.

**Q55 Kerry McCarthy:** In that case, again, if they are willing and wanting to be arrested and are not worried about the level of fines because payment will be crowdfunded, that suggests that it is not a deterrent. I am a Bristol MP, and we saw with the Colston statue and the Black Lives Matter protests that the jury acquitted four of the defendants of criminal damage. My concern is that the more unreasonable the legislation is seen to be, the more bases it covers and the more it cracks down on what many people view as legitimate public protest, the more likely we are to see jury acquittals. Do you share that concern?

**John Groves:** We want the legislation to work so that it provides that deterrent. I do not think I can say any more than that.

**Q56 Kit Malthouse:** I want to pursue that point a little further. Mr Groves, as you see it, the current level of fines is not proving to be a deterrent because they can be crowdfunded. As I understand it, your view is that if we were specific about the offences of locking on and tunnelling, and we added a term of imprisonment and a criminal charge against those, that would be a ramping up that might prove to be a significant deterrent—is that right?

**John Groves:** Absolutely.

**Q57 Kit Malthouse:** Ms Bell, obviously the impact of your injunctions on activity were delayed, but do you have a sense that, once protestors were going to prison

under the injunctions, there was an element of deterrent there? Secondly, one of the things I know from my own experience is that when people realise that having a criminal record has implications, not least the fact that you cannot travel to the United States, that is in itself a deterrent as well. Did you get the sense that was having an impact?

**Nicola Bell:** To your first point, once people saw that injunctions were being followed through, committal proceedings were happening and people were going to prison, that did have a deterrent effect, because we have not seen a protest on the strategic road network since 2 November. Three of the injunctions, particularly covering the south-east—the M25, M25 feeder roads, and the roads down to Dover—still exist and are still in place. Certainly, the public mood was something that was different as the protest happened. By the time we saw things through in court the protests were finished. Nobody was seeing them every day, whereas the first time we went it was fresher in people's memories. People were mostly peaceful but then realised the impact that it could have on their lives—that was clear.

**The Chair:** If there are no further questions from Members, I thank the witnesses for their evidence.

*Ordered,* That further consideration be now adjourned.  
—(*Scott Mann.*)

12.59 pm

*Adjourned till this day at Two o'clock.*