

## **POLICE AND CRIME PANEL**

**Meeting to be held on 11 December 2017**

### **Fracking Update**

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#### **EXECUTIVE SUMMARY**

The Purpose of this report is to provide Members of the Panel with an update in relation to the fracking operation by Cuadrilla.

This report covers the 'first quarter' from the 1 July 2017 to 30 September 2017

#### **RECOMMENDATION**

The Panel is asked to consider the report.

### **Background**

Lancashire has had a number of exploratory shale gas (commonly known as fracking) drill sites located on it over the last 7 years. Between 2011 and 2016 there have been a number of small ad-hoc protests in the county in respect of these sites requiring a low-level operational response from Lancashire Constabulary. Due to the low level of operational activity the protests required Lancashire Constabulary did not require assistance from either the North West policing region, or from other police forces nationally.

This position changed significantly in January 2017 when the gas exploration company Cuadrilla commenced development of their Lancashire site located on Preston New Road (PNR). Planning permission for this development was approved by the Secretary of State for Local Government, overruling the previous decision made by Lancashire County Council refusing permission for the operation of the site.

The site is located directly adjacent to the A583, which is the main arterial route between two major towns in Lancashire (Blackpool and Preston). It became clear almost immediately that this particular development was highly controversial both with local residents and with a number of national environmental campaign groups. It is understood that this specific site has attracted a significant level of national interest as it is, by anti-fracking campaigners, viewed as something of a 'line in the sand' as far as their long running campaign to halt the development of the UK fracking industry.

This 'iconic' status appears to relate to two significant differences for the PNR site when compared to other sites nationally that have been earmarked for development:

- I. The PNR site is the first commercial fracking site in the UK, as opposed to being an exploratory site yet to be developed.

- II. The PNR site was approved at central government level, overturning a local decision by Lancashire County Council not to allow its development. In the view of local and national campaigners the fact the decision to develop the site in this manner, significantly undermines the legitimacy of Cuadrilla's operation to develop PNR.

Given this context, the significant and sustained level of protest that Lancashire Constabulary has faced, and been required to provide an operational response, cannot be viewed as being surprising.

### **Policing Operation**

Cuadrilla commenced its operation on site on 4<sup>th</sup> January 2017. As a result both the numbers of protestors and the disruption associated with their anti-fracking protests increased rapidly over the following months reaching a peak of activity in July and August. The peak of activity in July corresponded with 'a month of action' delivering 31 days of 'direct action' taken by the national protest group named Reclaim the Power. This group was supported by both local anti-fracking campaigners and a number of other national environmental protest groups. This activity placed an enormous demand upon Lancashire Constabulary's resources and caused the force to require from other forces to enable it to continue to provide an appropriate level of policing service to the public of Lancashire.

The protest tactics used by the protestors has exclusively been aimed at being highly disruptive to Cuadrilla and their supply chain, whilst remaining relatively low level in terms of the criminality involved. Examples of the most commonly used tactics the constabulary has needed to respond to include:

- I. At various points in the operation the almost daily use by the anti-fracking protestors of multiple person 'lock-ons'. These have been targeted to either block the entrance to the Cuadrilla site on to the A583, or on regular occasions block the entire A583 in the vicinity of the site. The numbers of 'lock-ons' dealt with since the commencement of the policing operation in January are according to NTC-POC almost without precedent in terms of similar environmental protest
- II. Attempting to slow walk vehicles into site, which has been a significant policing challenge on a main arterial 'A' road
- III. Maintaining a significant daily presence in the vicinity of the Cuadrilla site entrance to restrict the movements of vehicles and staff on and off the site
- IV. Climbing on top of vehicles making deliveries to the Cuadrilla site bringing them to a halt on the highway. The result of this being that the A583 has frequently been blocked for many hours, and on several occasions partially blocked for several days
- V. Establishing a temporary protest camp in the entrance to the site and then building a number of temporary towers constructed from wooden pallets to disrupt deliveries to the site
- VI. Using a range of tactics to target Cuadrilla supply chain, both within Lancashire and in a number of other force areas

The activity in the months since January has created a significant policing challenge for Lancashire Constabulary. The level of protest experienced in July was of such a serious and sustained nature that NTC-POC (the national policing department with responsibility for monitoring the activities of more extreme and determined environmental protestors) elected to have officers attached to the Lancashire operation throughout the entire month. The comment from the NTC-POC being that PNR had become the national focal point of environmental protest.

Whilst, as stated, July was the most resource intensive month of the policing operation there was little reduction in the protest activity during August but has been a reduction in activity in subsequent weeks.

Lancashire Constabulary has dealt with the consequences of this protest in a way that supports the four key objectives of the gold strategy:

- I. Facilitating people's right to peacefully protest against the development of the PNR Caudrilla site
- II. Ensuring that Cuadrilla are able to go about their lawful activity of developing the site
- III. Minimising the disruption caused by the anti-fracking protests on the local community and users of the A583
- IV. Delivering the above three objectives in a way which maximises the safety of all concerned parties

Delivering this strategy has necessitated a significant daily policing operation. To illustrate the scale of the policing challenge so far officers engaged in this operation have made well in excess of 300 arrests for offences committed in the vicinity of the PNR Cuadrilla site. The vast majority of these arrests (71%) are of individuals outside the Lancashire force area. It should be stressed that making arrests is seen as a last resort, rather than default option for dealing with protestor activity. The Lancashire approach is, where possible, low key and focused on engagement and negotiation with protestors. Regrettably, on many occasions over the last 10 months this approach has not been possible due to the challenging behaviour of the protestors.

Dealing with the level of protest has required a large on-going dedicated policing operation to be in place since January. Operation Manilla is the overarching name for the policing operation in response to the anti-fracking protests. It includes a significant daily public order capability, which can range between 50 and 75 officers per day. This main strand of the operation is supported by officers and staff providing a dedicated, investigative, intelligence, logistics, communication, reassurance and professional standards capability. In total the size of the operation has, at peak times, ranged between 75 - 100 officers per day.

Maintaining an operation of this scale has presented the force with significant resourcing and financial issues. Originally, the approach taken was to resource operation Manilla entirely with Lancashire officers, this was done by using a combination of officers abstracted from their normal duties and paid overtime on officer's rest days. Whilst this approach was successful in managing the early phases of the protest, by July it became evident that Lancashire Constabulary could not operationally sustain this level of daily abstraction.

The impact of keeping an operation of this scale staffed entirely with Lancashire officers is a significant strain on the available policing resources to provide 'business as usual' policing in Lancashire. This situation is frequently being exacerbated by regular short notice emergency abstraction of officers from their scheduled duties due to unexpected spikes in protestor activity on PNR. There are also growing concerns around the accumulated officer wellbeing impact of continually working their rest days for several months.

The demands of resourcing operation Manilla also need to be seen in the context of several other important factors creating strain on the force. Some notable competing issues have included the increased strain on the police service following the terrorist attacks in London and Manchester, plus the increase in demand nearly all police forces have been experiencing in recent months. Additionally resourcing Manilla also needs to be seen in the context of Lancashire Constabulary having 800 fewer police officers than it had in 2010 (the police officer establishment in Lancashire is currently in the region of 2900). This meant that

in early July the Constabulary conducted a review of how operation Manilla should be resourced.

At that time the decision was taken to start resourcing a significant proportion of the public order aspect of operation Manilla via mutual aid from other police forces in England and Wales (mutual aid contributes between a third and a half of the public order part of operation Manilla). The cost of Mutual Aid has been significant to the cost of the operation.

At all various points in operation Manilla dialogue has taken place with DCC Rachel Swann, who is the NPCC lead for environmental protest. To date she has been satisfied that the approach being taken by Lancashire to deal with the anti-fracking protests is proportionate and in line with nationally agreed best practice.

### **Current situation**

Following the 'month of action' by 'Reclaim the Power' at the fracking site in July 2017 there remained a significant number of protestors on site during August. The decision was therefore taken to extend mutual aid for this period. Subsequently the amount of protest activity reduced in September and the decision was taken at the end of August to end the mutual aid arrangements that had been in place.

There remains a fairly significant number of protestors based at the camps that have been set up at Maple Farm Nurseries and on land behind the Lytham Windows building on Preston New Road. Activity varies on a daily basis at the Fracking site but there are days when there is a significant level of disruption continuing to take place.

The protestors have indicated that they are determined to stay at the site until absolutely every avenue to prevent fracking has been examined and the planning assumption taken by the force is that there will therefore be a resourcing requirement for the whole of the current financial year.

Forecasts of costs currently assume a policing resource requirement at the same level as has been set for October however this will be refreshed each month to reflect the latest view on likely activity.

### **Spending**

Constabulary have identified the costs of the operation to the end of October as follows:

	<b>£m</b>
Cost of Lancashire Officers – Normal duty	2.294
Cost of Lancashire Officers – Overtime	2.023
Non Pay Costs:	0.257
Mutual Aid	0.732
<b>Total Cost of Policing</b>	<b>5.306</b>
1% Special Grant threshold*	2.616
Excess over 1%	2.690

*\* To calculate the 1% special grant threshold we use the budget requirement for 2017/18 of £261.647m.*

The current level of policing for the operation is forecast to cost in the region of £150,000 per month, however this reflects a much reduced level of protest activity. If protest activity increases the monthly cost will also rise.

## Arrests

Constabulary have also provided an analysis of the **329 arrests** that have been made in relation to the protests to the end of October 2017.

<b>OFFENCES</b>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
S14 Public Order Act	4	14	16							
Obstruct Highway (137)	2	2	14	7	31	21	63	8	2	5
241 Trade Union Act		2	2	1		5	12	12		2
S4 Public Order		2								
Obstruct Police		2	3	5	2	6	9	10	2	
Assault Police		1	1	1		2		1		
Criminal Damage		1	1	1	1					
Drunk Disorderly		1						1		
Breach of Peace		2							1	
Aggravated Trespass			2		3	6				
Interfere M/V S22a			1	3			1			
S28a Dangerous Cycling			2							
Theft			1							
S5 public Order				4	3			2		
Danger to road users S22a					1	2	1	1		
S25 RTA						2	6	1		
Public Nuisance							4			
Other Offence										1
Arrest for month	6	27	43	22	41	45	95	36	6	8
Total arrests to date						184	279	315	321	329

The analysis shows that **71% of the individuals charged are NOT residents of Lancashire.**

## Complaints

At the end of October 2017 the professional Standards Department at Lancashire Constabulary had recorded 145 complaints in respect of the fracking operation. The table below identifies the nature of these complaints:

**Op Manilla - No. of Public Complaint Allegations Recorded by Category (Jan 17 to Date)**

	Feb 17	Mar 17	Apr 17	May 17	Jun 17	Jul 17	Aug 17	Sep 17	Oct 17	Total
Corrupt practice	0	0	0	0	0	5	0	0	0	5
Discriminatory Behaviour	0	0	0	0	0	1	0	0	0	1
General policing standards	0	0	1	4	0	0	1	1	1	8
Incivility, impoliteness and intolerance	1	2	4	3	3	0	5	1	2	21
Lack of fairness and impartiality	0	0	0	1	1	1	1	0	1	5
Mishandling of property	0	0	1	0	0	0	3	0	0	4
Operational management decisions	0	0	1	2	0	2	3	0	1	9
Operational policing policies	0	0	4	1	1	2	1	0	1	10
Oppressive conduct or harassment	0	1	0	0	2	1	1	1	0	6
Organisational decisions	0	0	0	1	0	1	0	0	1	3
Other	0	0	0	0	1	0	0	0	0	1
Other assault	1	13	4	5	2	8	7	7	1	48
Other irregularity in procedure	0	0	0	1	0	1	0	0	0	2
Other neglect or failure in duty	0	3	2	2	1	1	0	0	2	11
Sexual assault	0	0	0	1	1	0	0	0	0	2
Traffic irregularity	0	0	0	0	0	0	0	0	1	1
Unlawful/unnecessary arrest or detention	0	2	1	0	1	1	1	0	2	8
<b>Total</b>	<b>2</b>	<b>21</b>	<b>18</b>	<b>21</b>	<b>13</b>	<b>24</b>	<b>23</b>	<b>10</b>	<b>13</b>	<b>145</b>

**Request to the Home Office for financial support**

The Commissioner has written to the Home Office on a number of occasions to request financial support in respect of the fracking operation. Lancashire MPs have also submitted a cross party letter in support of the Commissioner's request.

The Commissioner has made a claim for 'Special Grant' support from the Home Office and HMICFRS attended Lancashire in the week commencing 20<sup>th</sup> November 2017 to review that claim. No indication was given as to when a decision on any award of grant by the Home Office would be made.