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### Research note

Protest, liaison and legitimacy

**Citation for published version:**

Gorringe, H & Rosie, M 2023, 'Research note: Protest, liaison and legitimacy', *Scottish Affairs*, vol. 32, no. 4, pp. 467-476. <https://doi.org/10.3366/scot.2023.0477>

**Digital Object Identifier (DOI):**

[10.3366/scot.2023.0477](https://doi.org/10.3366/scot.2023.0477)

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Peer reviewed version

**Published In:**

Scottish Affairs

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# Research Note: Protest, Liaison and Legitimacy

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Abstract

Keywords

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## *A Tale of Two Coronations*

On the 5<sup>th</sup> July 2023 a so-called 'mini-coronation' (officially the 'National Service of Thanksgiving') saw King Charles III and Queen Camilla presented with the Honours of Scotland - its crown jewels - in a ceremony at St. Giles, the High Kirk of Edinburgh. One of the first things that the Royal couple will have seen and heard as they exited from the cathedral was Graham Smith - the founder and chief executive of anti-monarchist campaign group *Republic* - stood amidst a cluster of yellow 'Not my King' flags, using a megaphone to broadcast his views. The group were positioned immediately across the Lawnmarket from St. Giles. Two months earlier, on the 6<sup>th</sup> May, Smith had been arrested at London's Trafalgar Square in London by Metropolitan Police officers as he prepared to voice his opposition to the full coronation. Despite having engaged with the police in advance and extensively discussed their plans, Smith and several other followers were taken into custody as they unloaded their signs near the procession. Over 50 arrests were made around the coronation that day in London, including around 20 members of Just Stop Oil. The arrest of anti-monarchist protestors, not least of members of *Republic* who had co-operated with police in the planning stages, made for critical headlines. Human Rights Watch UK was reported as claiming that 'The reports of people being arrested for peacefully protesting the coronation are incredibly alarming. This is something you would expect to see in Moscow, not London.' (BBC News, 2023).

The events in May 2023 had followed incidents some months earlier in several parts of Britain following the death of Queen Elizabeth II and the accession of Charles to the throne. In Edinburgh in September 2022 one man was arrested for heckling Prince Andrew, Duke of York, as he walked behind his mother's hearse on its route between Holyroodhouse and St. Giles. The previous day a woman was arrested for protesting with a sign stating 'Fuck Imperialism, Abolish Monarchy' at the reading of the Accession Proclamation outside the cathedral. These arrests, along with similar small-scale incidents in other parts of England and Scotland had focussed concerns around the rights to protest. Groups such as Index on Censorship, Big Brother Watch, and Liberty were widely quoted and critical of police actions (e.g., BBC News, 2022; Guardian, 2022). In a UK-wide statement, Liberty noted that:

Whoever you are, whatever your cause, it is vital you are able to stand up for what you believe in without facing the risk of criminalisation. It is very worrying to see the police enforcing their broad powers in such a heavy-handed and punitive way to clamp down on free speech and expression.

From restrictions on protest in the Policing Act to further attacks in the Public Order Bill – which rehashes the draconian measures thrown out of the Act, including protest banning orders and expansions of stop and search powers – the Government is making it harder for people to stand up for what they believe in. It is vital that instead of weakening our freedom of expression, the Government safeguards our protest rights. (quoted in STV News, 2022).

More locally, Police Scotland were accused of being 'heavy handed' and of being 'very one sided' in their treatment of monarchists and republicans by some national and local politicians. The same newspaper article, however, reported that two spectators had been

arrested for assaulting Prince Andrew's heckler, a fact that highlighted the complex dynamics that Police had to handle in real time (Evening News, 2022).

Given these widely reported concerns it was clear as the National Service of Thanksgiving approached that the policing of protest would be under intense scrutiny. For Police Scotland there were several key challenges. One was to be clear - as Liberty had failed to do – that many of the restrictive legislative reforms around protest did *not* apply to Scotland. The second was to ensure that the rights of *all* those in the centre of Edinburgh during the Royal events – participants, spectators, protestors, passers-by – were carefully balanced whilst ensuring the safety of all. The third was to incorporate difficult aspects of *security*, not least Counter Terrorism concerns regarding the Royal 'Principals', other dignitaries, and what were expected to be large crowds in relatively narrow and cramped streets. That the events might attract protests not directly related to the question of the monarch – not least direct action climate protestors such as just Stop Oil – added to the complexities. These were tough asks – one of the preparations made by the commanders was to assemble an Independent Advisory Group so as to explore options, air concerns, and hear the thoughts of 'outside experts'. Both authors were invited to join this group. No conditions were set on participation: we were free, indeed encouraged, to voice our opinions and subject aspects of the evolving policing plan to critical questioning. On the day of the Thanksgiving Service Gorringe attended in person, speaking to protestors, spectators and police officers to get a sense of their experiences on the ground.

For the Strategic 'Gold' Commander, ACC Tim Mairs, communication of Police intentions and priorities was key. Ahead of the event Police Scotland circulated an extensive statement to that effect, emphasising their approach as firmly framed within a human rights perspective:

Our priority is public safety and a policing plan is in place to maintain people's safety, ensure the safe delivery of this significant event, enable peaceful protest and minimise disruption. Decisions about how to police protests require us to balance complex and often competing rights and issues. We have a legal duty to protect the rights of people who wish to peacefully protest or counter-protest. Our human rights based approach and legislation that applies in Scotland is unique amongst UK policing.

Campaigning and demonstration is a legitimate, necessary and vital part of life. Abusive, threatening behaviour or activity intended to disrupt the event that risks public safety is not legitimate protest. Officers on the ground have to make dynamic assessments to quickly consider whether someone's behaviour breaches the threshold of criminality. There are a range of factors and circumstances that affect this decision making, including considering the risk that behaviour has on the safety of those at the event, as well as any triggers that may lead to wider disruption. Every situation is unique. Safety is our priority, balanced against people's rights.

[Police Scotland, 2023]

The statement also provided an email that protestors could contact for more information – Police Scotland had already reached out to various groups, regarding policing of the event and how peaceful protest could be facilitated.

Was there a tangible difference in how the ‘coronation’ events were policed in Edinburgh and London? Graham Smith of *Republic* told us that the policing of the two occasions was totally different. In both cases, the police had reached out in advance with police liaison officers to try and understand and facilitate *Republic’s* plans to protest within the broader complexities of a large-scale event. In London, however, he said that the key Police Liaison Officer (PLO) was blindsided by officers who moved in to arrest members of the group and was said to have asked colleagues: ‘what is the point of my role if you do this?’. In Edinburgh, by contrast, the protest was not only tolerated, but proactively facilitated. Not having attended or witnessed the events in London, we are in no position to verify or judge how that event panned out, or the rationale for the police actions. Our aim here is not to critique the Metropolitan Police, and we note again that Police Scotland received similar criticism for its arrest of a very small number of activists during the events marking the death of the Queen. Having observed the policing of the mini-coronation in Edinburgh both before the event, and on the day from the control room and on the ground, however, we are well placed to offer some reflections on those events.

### *Accommodating Noisy Protest*

As noted above, one of the most striking aspects of the protests in Edinburgh was how close to the centre of the ceremony they were. Protestors acknowledged that they had not expected to get such a prime spot, and one royal supporter was reported as complaining that: ‘They’ve given the protesters the best spot here, the best view. It isn’t fair’ (iNews, 2023). Initial plans had been for protest groups to be located some distance from the Cathedral, but police commanders embraced the Venice Commission guidelines on Freedom of Peaceful Assembly. These maintain that: ‘Public assemblies are held to convey a message to a particular target person, group or organisation. Therefore, as a general rule, assemblies should be facilitated within “sight and sound” of their target audience.’<sup>1</sup> The ‘sight and sound’ principal was emphasised in both public and private communications, and the two key protest sites certainly delivered on that. Protestors were accommodated on the Lawnmarket, very close to St. Giles, as we’ve noted. They could be heard *within* the cathedral, during the service. They were also accommodated outside the Scottish Parliament, close by the main (Horse Wynd) entrance to the Place of Holyroodhouse, Charles’ formal Scottish residence and where the procession would begin. Protestors, therefore, occupied very significant positions not simply in sight and sound of events, but also within key symbolic civic and political spaces in the Capital.

At the Scottish Parliament site a public address system was set up - protestors were able not only to voice their opinions but amplify them too. Police Scotland had been at pains in advance of the event to stress that neither the Police, Crime, Sentencing and Courts Act 2022 (which places restrictions on noisy protest) nor the Public Order Act 2023 (which includes provisions for the preventative arrest of those who are planning to lock on) apply in Scotland. Given that the powers afforded to police by these Acts are seen as being responsible for the

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<sup>1</sup> See the Venice Commission Guidelines here: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)020-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)020-e)

coronation arrests, such assurances were critical in securing the trust and confidence of key protest groups.

Such trust could have been undermined on the day, given that protestors arrived to discover that parts of the protest site near St Giles were obscured behind a screen. *I-News* (2023) reported that 'Anti-monarchy protesters also complained of being kept "out of view" of the royals behind large blackout screens'. Police Liaison officers relayed these complaints back to senior officers, with the result that one section of the screen was swiftly removed. Being accommodated near the main venue and having initial concerns acknowledged and acted upon appeared to make a real difference to protestor-police relations. Good communication had provided a tangible 'deliverable': protestors felt listened to, and police felt that trusting relationships were being built. In turn, as the Household Cavalry trotted past the knot of *Republic* protestors their loud-hailer was conspicuously silent. 'We always try and co-operate' Smith told us, confirming that *Republic* were responding to public safety concerns around horses being frightened by loud noises and large flags that police had relayed to them.

Positive engagement and facilitation appear to have worked in this case. Elsewhere across the event, police officers appeared to take a relaxed approach to protestors raising banners or voices amongst the crowd. Senior officers stressed that the mood was peaceful and good-natured, and so the presence of a small cluster of royalist protestors immediately next to the *Republic* group was accommodated. The two groups sought to out-chant and out-sing each other at times but, other than a couple of PLOs, uniformed officers remained at a distance and the mood was calm. It is important to note that we did not, and could not, observe everything. One report suggested that eight people were arrested (Edinburgh Live, 2023), but in another point of learning from Operation Unicorn (around the death of the Queen) the police were quick to communicate details. The result was that later accounts noted the arrest of two environmental activists who tried to scale the barriers and two non-protest related individuals. The other four mentioned in the early report, were 'initially arrested for threatening behaviour', but this was later changed to a warning. Overall, protestors were generally engaged with, facilitated and afforded a platform in accordance with Police Scotland's emphasis on human rights informed policing. This is not, however, to say that the day was entirely without tension.

#### *Public Order, Public Safety*

Ironically, it was *after* the procession had passed by and the main bulk of protestors and spectators had departed that tensions were most palpable. Standing amidst the crowds on either side of the Royal Mile it was clear that frustration at being unable to cross the road had started to build. As more time passed without any activity on the street or any sense of when barriers would be opened, more and more people started to voice their ire. 'Let us cross', 'I have to get to work' and 'the King can wait 5 minutes' were shouted out by different individuals. The frustrations were compounded by the fact that, as one member of the public put it, 'They said that we could cross in 5-10 minutes 15 minutes ago!' The barriers here were staffed by private security contractors, who engaged with the crowd and radioed in to get a sense of the timeline, but ultimately had no decision making power. Individual officers likewise chatted to members of the public and tried to be reassuring, but lacked precise

information. The geography of the Old Town meant that those unable to cross the road here faced the choice of a long wait or a long detour.

Police Liaison Officers (PLOs) picked up on the rising frustration and filtered this back to commanders urging action. Whether related to this or not, the road was finally opened to scattered cheers and a press of people anxious to move on. In an otherwise successful operation built on dialogue and communication, the lack of engagement and information sharing with ordinary members of the public trying to go about their daily lives was marked. The Gold (strategic) commander for the operation corrected himself earlier in the day when speaking about public order officers. The full terminology, he stressed, is 'public order, public safety', a formulation which he felt captured the emphasis of the operation. Whilst this is undoubtedly a welcome shift toward a less robust and interventionist model of policing, the scenes described above highlight that more could have been done after the event to engage with and communicate to a wider public.

### *Learning, Liaison and Legitimacy*

As the royal convoy moved off Graham Smith stepped down from his vantage point overlooking the cathedral and put down his megaphone. A lady in the small protest enclosure, who had been avidly watching the ceremony, approached him and said: 'I don't share your politics, but what a voice! Well done on keeping that up the whole time'. She went on to say how glad she was that people could express their opinions whether she agreed with them or not. Whilst some, as we have seen, objected to protestors being given such a prime spot, this exchange reveals the dangers of *assuming* that people will be offended and the capacity of those from opposing viewpoints to agree to disagree. 'We used to see protest as a headache to be dealt with', one Chief Inspector said, 'but it is absolutely right that we should be protecting their rights too'. Policing, we are frequently told, is a difficult balancing act with 'the police usually stuck in the middle'. Several protestors remarked on the dissonance between an unprecedented cost of living crisis and an elaborate and opulent ceremony celebrating dynastic power. Whilst the police were duty bound to protect the event, they had a similar responsibility to allow dissenting voices to be heard. In this respect the policing operation did seem to get a difficult balance right in challenging circumstances.

Police Scotland have clearly sought to learn from the criticisms directed towards earlier events. They proactively sought external advice, reached out to protestors, and, *crucially* engaged in dynamic dialogue with them ahead of and during the event. Early suggestions of protest sites were rejected by both protestors *and* the police in favour of spots within sight and sound of the key venues. When protestors complained that black screens were obscuring their line of sight, police arranged for these to be removed, and instead of a blanket ban on megaphones and PA systems, PLOs engaged with protestors and negotiated for these not to be used near horses. Up on the Lawnmarket we saw how the *Republic* protestors willingly quietened as the parade passed by. Where police actions are seen as legitimate, this reminds us, people are more likely to comply. Liaison policing was rolled out in the UK following the overhaul of public order policing occasioned by the death of a newspaper vendor who was caught up in the robust policing operation surrounding the G20 in London in 2009 (see Rosie & Gorringer, 2009). The aim of PLOs is to help build trust and rapport and act as a bridge between police commanders and protestors, potentially enhancing the legitimacy of police

decision-making and enabling the facilitation of protest. To achieve this aim, however, several elements are required. Firstly, as seen from the reports about the London Coronation, PLOs need to be integrated into operational planning rather than being displaced by interventionist public order officers responding to immediate circumstances on the day of the event. Secondly, liaison needs to involve dialogue rather than just instruction. Being able to consider and respond to protest concerns is pivotal to securing trust.

Whilst we are unclear on the details about some of the arrests and could not observe all aspects of the event, from our perspective Police Scotland got the balance around protest right. Protest and dissent are essential ingredients of a healthy democracy. In facilitating the expression of pro- and anti-monarchist sentiment, the police were discharging their legal responsibilities, doing their job. Whilst critics may point to the rapid detention of the two young women who tried to scale barriers to protest about climate change, the presence of armed officers and anti-terrorism operatives along the route means that rapid action by conventional officers was in everyone's best interests. It would have been interesting to observe how the police would have responded had the activists unveiled a banner or staged a protest whilst remaining behind the barriers. Policing *is* a balance, however. In the focus on those attending or observing the parade, arguably less consideration was given to members of the public whose primary access route to rail and bus stations was cut off for lengthy periods of time. Some thought had gone into this as seen in the fact that crossing points were instituted and clearly marked. It was, however, unclear when people would be allowed to cross and why they were not able to do so in periods when nothing seemed to be happening. Clear and accurate communication of the next crossing time and explanation of why an empty road remained closed would have helped to address the frustrations of those stuck on one side or the other. If, as the PLOs we spoke to suggested, they were instrumental in picking up on these tensions and feeding them back to commanders, then their value in offering dynamic risk assessments is clear.

Drawing on Tyler's work on procedural justice, Bradford et al (2014: 87) argue that: 'Police-citizen encounters are "teachable moments" (Tyler 2011), holding the potential to enhance or diminish police legitimacy, encourage or undermine positive social identities, and strengthen or weaken normative compliance with the law'. Policing high-profile public events is difficult and satisfying the simultaneous demands of diverse groups even more so. In learning from past events, upholding the rights to protest and balancing them against the rights of others in a proportionate manner, and in seeking to engage and explain their actions throughout, we feel that the policing approach we describe here will have enhanced the legitimacy of Police Scotland. Issues around communicating to large crowds remain, but the fact that officers implemented lessons learned from past events in planning for this gives us hope that such concerns will be routinely addressed in future operations.

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