



Date: 27/01/2025
Our ref: 01/FOI/25/013911/K

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/25/013911/K

I write in connection with your request for information dated 03/01/2025, received by Greater Manchester Police (GMP) for the following information:

In your response FOI Letter, you have stated, in response to this part of the FOI Request,

3.) An explanation of how Articles 10 and 11 of the Human Rights Act 1998 (freedom of expression and assembly) were taken into account during this decision-making process.

- Question 3 – Invalid question under the FOIA. We are not obliged to provide opinions or explanations.

Under the Freedom of Information Act 2000, please provide any and all recorded information relating to the Section 34 Dispersal Orders—one covering all boroughs within Greater Manchester and another specifically covering central Manchester—that shows and demonstrates how Articles 10 and 11 of the Human Rights Act 1998 (freedom of expression and assembly) were taken into account during the decision-making process for these Orders. This may include, but is not limited to:

Meeting minutes

Internal and external correspondence (emails, letters, memoranda) Policy or guidance documents Assessment reports

Any other records referencing or discussing the consideration of Articles 10 and 11

If any of the requested information is withheld, please specify the grounds for refusal by reference to the relevant sections of the Act as such information is not exempt from the scope of the FOIA Act;

Result of Searches

Following receipt of your request searches were conducted within Greater Manchester Police (GMP) to locate the requested information and I can confirm the information requested is held by GMP. However, I am not obliged to provide all of the information requested as an exemption applies.

Section 17 of the Freedom of Information Act 2000 requires GMP, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemptions apply.

The exemption which applies to this request is: **Section 41(1)(a)(b) – Information Provided in Confidence.**

Section 41 is an absolute exemption with no requirement to complete a public interest test.

CAVEATS

The following is an excerpt from a Human Rights Structured Approach that was completed by the Public Order Public Safety Gold, with support from their tactical advisor.

This structured approach considers the use of Breach of the peace and Section 34\35 dispersal powers in relation to what has been title by Silver intelligence Cell as 'Planned Traveller Fight – Manchester Christmas Markets'.

The intelligence refers to an annual Travellers 'Grabbing' event. During 2023, GMP recorded a Travellers 'Grabbing' event. This event took place on the 26 November 2023 with approximately 300 attendees. Incidents involved two individuals being arrested for affray and bottles being thrown between the crowd. The decision to not send in officers was made due to the possibility of escalating the situation.

[Paragraph removed due to being exempt under Section 41, see above]

It is likely that disorder will occur if large numbers of the travelling community attend the Christmas markets, it is highly likely there will be reports of public order offences and low-level assaults.

'Grabbing' has various connotations but a broad definition can be found [here](#):

Until they are engaged, some teenage traveller girls are subjected to the 'grabbing' courtship ritual, where a boy grabs a girl they want to kiss. Strict rules stipulate girls aren't allowed to approach boys, so it's up to the males to tempt the girl away from her friends. Grabbing can look violent and it seems the girls simply accept it as something that is part of their culture.

In writing this structured approach I will consider to following government [advice](#):

Some Gypsy and Traveller groups are protected against race discrimination under the Equality Act 2010: Romany Gypsies, Irish Travellers, Scottish Travellers and Roma. The Public Sector Equality Duty also requires public bodies to consider equality between groups with and without protected characteristics in exercising their functions and decisions.

A. Is the individual exercising one or more of their rights under Articles 9, 10 or 11?

Article 9: Freedom of thought, belief and religion - This article is engaged as individuals within the group hold a belief that 'grabbing' is a traditional courtship ritual

Article 10: Freedom of expression - 'Grabbing' is seen as a way of expressing feelings and ideas towards others

Article 11: Freedom of peaceful assembly and freedom of association - This article states 'Everyone has the right to freedom of peaceful assembly and to freedom of association with others' and by assembling as a group the individuals are exercising this right

B. If so, is there an interference by the police with that right?

A negative duty requires states to undertake specific preventive or protective actions to secure ECHR rights. If we believe individuals in this group are not going to engage in disorder, then their rights will not be interfered with. I expect each case to be assessed individually.

To adhere to our positive duty, we need to protect the rights of the public, specifically the likelihood of anti-social behaviour and violence from certain individuals within of this group.

C. If there is an interference, is it prescribed by law?

Based on the above information and intelligence if the assembly is left unchecked it is likely a breach of the peace will be caused. Breach of the peace gives police powers to intervene and/or arrest when an individual causes harm, or appears likely to do any of the following:

- Cause harm to a person.
- Cause harm to that person's property, in the person's presence.
- Put that person in fear of such harm being done through an assault, affray, a riot, unlawful assembly or other disturbance.

Once we have intervened in these groups, I would expect dispersal to be considered. Section 35 of the Anti-social Behaviour, Crime and Policing Act 2014 there will be an interference with these rights.

This legislation specifically states 'In deciding whether to give such an authorisation an officer must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention' which has been considered in this structured approach.

I expect this power only to be used by a constable if they have reasonable grounds that a certain individual fits the criteria as set out in the legislation:

An officer may give such an authorisation only if satisfied on reasonable grounds that the use of those powers in the locality during that period may be necessary for the purpose of removing or reducing the likelihood of—

- (a) members of the public in the locality being harassed, alarmed or distressed, or
- (b) the occurrence in the locality of crime or disorder.

D. Is the interference in pursuit of a legitimate aim, as set out in paragraph 2 of Article 10 or Article 11?

Based on the information and intelligence outlined above this interference is prescribed by law, specifically for the for the prevention of disorder or crime.

E. If so, is the interference ‘necessary in a democratic society’ to achieve that legitimate aim?

1. Is the aim sufficiently important to justify interference with a fundamental right?

In 2023 at this same incident two individuals were arrested for affray and bottles being thrown between the crowd.

As outlined above ‘Grabbing’ can look violent, and the City Centre is currently very busy with members of the public who would likely be caused harassment, alarm or distress

Therefore it is necessary for the prevention of crime and disorder, and the protection of morals.

2. Is there a rational connection between the means chosen and the aim in view?

Yes, detaining this group will stop crime and disorder and therefore prevent a breach of the peace occurring.

3. Are there alternative, less restrictive means available that may be effective in achieving that aim?

As outlined in R (Laporte) v Chief Constable of Gloucestershire Constabulary (2006) there is no alternative to stopping the individuals in the train station as at this point the anticipated breach of the peace is imminent, and it is the last opportunity for Police to take preventive action.

It is not reasonably practicable to find the train stations where the individuals are travelling from and stop them there, as they are coming from all over the country.

4. Is there a fair balance between the rights of the individual and the general interest of the community, including the rights of others?

If left unchecked this group will almost certainly engage in anti-social behaviour and least, are more likely there will be violence\public order offences which means a risk of harm to other members of the group and members of the public.

‘Grabbing’ in a public place is likely to cause distress to members of the public and could also lead to anti-social behaviour or violence if members of the public who are harassed\alarmed\distressed by this decide to intervene.