

PROFESSIONAL STANDARDS DEPARTMENT

Information Assurance

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Mr K Blowe
Coordinator
The Network for Policing Monitoring

Your Ref:

Our Ref: IR/ 2230/17

Date: 11 May, 2017

Via Email: request-394852-
3c63a819@whatdotheyknow.com

Dear Mr Blowe

FREEDOM OF INFORMATION ACT (FOIA) REQUEST – 1619/17

I refer to your email of the 10th April, 2017 seeking an internal review of the response previously provided to your FOIA request, reference above.

In accordance with the Constabulary's FOIA complaints procedure a review of the handling of your request has now been undertaken.

Your request, which was received on the 13th March, 2017, was as follows:

A report in The Times on 11 March 2017 about opposition to the Cuadrilla drill site near Blackpool stated that "after complaints to the Home Office by local pro-business leaders, Lancashire Police are taking a tougher line with the protesters, some of whom are anticapitalist activists."

<http://www.thetimes.co.uk/edition/news/fracking-farmer-refuses-to-be-intimidated-tvqlc5hqw>

Please can you provide copies of any correspondence Lancashire Police has received from either local business organisations or the Home Office regarding the protests at Preston New Road since the start of January?

A response was provided on the 7th April, 2017, advising that the information was considered to exempt on the grounds of Section 31(1)(a) – Law Enforcement.

Within your internal review request you have stated :

This request was very clear in asking for correspondence from business organisations in the context of seeking to lobby or influence policing strategies by Lancashire Police towards anti-fracking protests. The harm that may arise from the disclosure of this information is entirely speculative, and there is no evidence that anti-fracking protesters would be likely to target businesses purely on the basis that they have entered into dialogue with the police.

The disclosure of correspondence may, of course, identify some companies that are supporting the fracking industry in some way. In the vast majority of cases, this information will already be in the public domain. For example, it seems reasonable to speculate that companies who have entered into correspondence with you may include the Institute of Directors in Lancashire, or North and Western Lancashire Chamber of Commerce (NWLCC), as named representatives of both organisations have spoken to the press and issued press releases making allegations about anti-fracking campaigners and demanding tougher action by the police. Babs Murphy, chief executive of the NWLCC, went as far as telling the Times on 21 March 2017 that she had written to the Chief Constable. For reference, see <https://www.thetimes.co.uk/article/anti-fracking-activists-using-hostile-tactics-fcwvdssrm>

In the event that correspondence mentions other companies on the issue of fracking, it is entirely possible to redact their names and even any of their identifying features (such as where they are based). This would negate any speculative or imagined risk to them arising from disclosure, although we would expect you to indicate why redactions have been made. In any event, the names of any private individuals identified in correspondence could be redacted to protect their privacy.

....

Furthermore, given public statements made by the National Police Chiefs Council's National Protest Working Group in relation to transparency and open dialogue over the policing of anti-fracking protests, it seems wholly unreasonable for companies supporting the fracking industry – or indeed, fracking companies themselves – to attempt to rely upon a relationship of confidence. The NPCC's 2015 guidance, 'Policing Linked to Onshore Oil and Gas Operations', concludes by insisting that an "open, transparent and consistent approach will clearly demonstrate the commitment of the Police Service to act in a reasonable and proportionate manner".

The NPCC added in August 2016 that "it is the aim of the police service to be as transparent as possible" in policing anti-fracking protests, saying that "the mechanism by which this is achieved is through the continuous partnership process and open dialogue with the police, self-regulation and the building of trust". Releasing the correspondence we have asked for is entirely in line with this assurance.

You will know that there are significant public concerns about whether corporate interests involved in the fracking industry are asserting disproportionate influence over local policing. There is also a substantial public interest in the influence the Home Office exercises on local police decision-making in regard to protest policing.

Your internal review request has now been considered.

The Constabulary wish to be as open and transparent as possible in relation to the policing of the fracking site.

In accordance with Section 1(1)(a) of the Freedom of information Act I can confirm that information is held relevant to your request.

In terms of the first aspect of your request, correspondence received from the Home Office, please find attached the information which has since been identified as being held and which falls within the scope of your request. Some names have been removed from the correspondence on the grounds of Section 40(2) – personal data.

In relation to the second aspect of your request, please also find attached the information held, which consists of correspondence received from the Lancashire Chamber of Commerce.

I hope that this is helpful. If you are not content with the outcome of your FOIA complaint, you may write to the Information Commissioner. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

C Melling

Carl Melling
Information Assurance Manager