



Humberside Police
Corporate Development Branch
Information Compliance Unit
Priory Road
Kingston Upon Hull
HU5 5SF
Tel: 101

Mr. Blowe
request-239597-
2cd23000@whatdotheyknow.com

Your Ref:
Our Ref:F-2014-01511

16 December, 2014

Dear Mr. Blowe,

FREEDOM of INFORMATION ACT 2000 Reference No: F-2014-01511

Thank you for your request for Information, received at this office on 17 November, 2014, in which you requested details of the following:

I have a question about Rathlin Energy's ongoing drilling site at Crawberry Hill and contact between the company and Humberside Police.

On 2 October 2014, David Montagu-Smith, chair of the board of directors of Rathlin Energy, told East Riding of Yorkshire Planning Committee that "because of protester activity", his company "were asked by the Police to deviate from the Traffic Management Plan" for the site, a plan that was agreed in 2011.

Please could you clarify:

1. What information about potential "protester activity" informed the decision by Humberside Police to intervene and request changes to the Traffic Management Plan?

2. What specific instructions were given to by Humberside Police to Rathlin Energy to deviate from the company's Traffic Management Plan at the site?

I would be most grateful for a copy of correspondence between Humberside Police and Rathlin Energy on this issue and with other public bodies, if any, who were consulted.

The Freedom of Information Act requires that this request is dealt with in a manner that is motive and applicant blind. A disclosure under this legislation is considered a disclosure to the world and is considered to be on the basis that it is in the public interest.

This response is unique to Humberside Police and you are advised not to compare this like for like with any other force's response you receive.

Humberside Police Response

Part 1: It has been determined that information about 'protester activity' is exempt information on the basis that s31(a)(b)(c) of the Act applies.

Chief Constable Ms J Curran QPM *Deputy Chief Constable* D J Griffin QPM, MA
Assistant Chief Constable (Operations Support) A Leaver *Assistant Chief Constable (Operations)* S M Donald QPM, MA
Assistant Chief Officer (Support) P S Goatley BA (Hons), CPFA *Assistant Chief Officer (Human Resources)* I Watson MBA, MSc, FCIPD
Web site: www.humberside.police.uk

As section 31 is a Qualified prejudice based exemption I am required to provide the harm in disclosure and conduct a public interest test to balance the factors favouring disclosure against favouring non disclosure.

Harm

To disclose protester activity information would be tactically sensitive to Humberside Police. This information would include intelligence and other policing information, which is of critical importance to allow Humberside Police to prevent and detect crime and ultimately manage protester activity.

Factors Favouring Disclosure

Disclosure would show that Humberside Police is being open and transparent in the way in which it manages protests. More over it will show what decisions it takes when managing protests.

Factors Favouring Non Disclosure

To disclose protestor activity information would allow protestors to asses how Humberside Police manages protests, what tactics it uses, what resources it allocates and when and in what situation. This information would be invaluable to protestors determined to circumnavigate how the police deal with their activities.

Balance Test

Although there is some public value in knowing how Humberside Police deal with protestor activity, this is far outweighed by the negative impact that would be caused to the law enforcement of these activities. Therefore on this occasion the balance favours non disclosure.

Please note the Traffic Management Plans were devised by Rathlin Energy and were ultimately approved by the East Riding of Yorkshire Council. You will be able to request copies of these plans from the East Riding of Yorkshire Council.

Part 2: There are no recorded instructions given by Humberside Police to Rathlin Energy, therefore no information is held.

In accordance with s17 of the Act this represents a refusal notice for your request.

Please note the following warning in relation Vexatious and Repeated Requests.

Section 14(2) of the Act states:

Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

The two parts of your request were originally asked by another requester on 14th of October 2014. Please see the below link:

https://www.whatdotheyknow.com/request/humberside_polices_reasons_for_d

You made your request on the 17th of November 2014. Guidance says a reasonable period of time is 60 days.

Please note that any further requests on this subject area could be considered vexatious.

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Should you need to discuss this further please contact James Green, Information Compliance Officer on the above details.

Yours sincerely,

James Green
Information Compliance Officer

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Humberside Police – Freedom of Information Complaints Review Procedure

Why Have A Complaints Process?

Humberside Police is committed to delivering an open and transparent service whenever possible and it is our intention to commit to the principles of openness embodied in the Freedom of Information Act. We will release information to the greatest extent possible, consistent with the public interest, however we may withhold information if we consider its release would cause significant harm.

If information within a document is withheld, it will be clearly marked to show where information has been removed and the legal exemption we have used. If we decline to supply all or part of any information you have asked for we will notify you in writing giving our reasons based upon legal exemptions contained within the Freedom of Information Act.

If you are not satisfied about the way in which your Freedom of Information request has been handled you have the right to appeal. This information has been designed to help you to understand how to complain to Humberside Police. Using this process will not affect your right to complain directly to the Information Commissioner if you feel we have not complied with our obligations under the Freedom of Information Act.

How Long Do I have to Raise A Complaint?

Once we have responded to your Freedom of Information Request you will have 40 working days in which to raise your complaint.

Who Can Complain?

Anyone who has made a Freedom of Information request in writing to the Force can complain. If you have requested information and you are not satisfied with the way we have dealt with it, you can use the complaints process to have it looked at again. If someone who requested information would like to complain but cannot do so themselves, you can complain on their behalf but it will help us if you make it clear that you are doing so.

What Can I Complain About?

If you are not satisfied with the way we have handled your request, with the fee we have charged, or with the reasons we have given for refusing to provide information, you have the right to appeal. You can complain about the range, amount and format of information we have sent following a request. You can also complain about the way a request was handled, for example, the time it took to respond.

How Do I Complain?

To deal with your complaint as quickly as possible, it will help if you can give us as much information as you can about the original request made and the reason for your complaint. Please put your complaint in writing and address it to:

FOI Appeals

[Humberside Police Information Compliance Unit](#)

Police Headquarters

Priory Road

Hull HU5 5SF

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What Happens To My Complaint?

Once we have enough details to identify the request, we will begin the review. The Head of The Information Compliance Unit will normally review your complaint. In the more complex cases a review panel consisting of a number of senior personnel from the Force will re-examine your complaint. We aim to complete the review process within 20 working days of receiving your complaint. Upon completion we will send you the findings.

How Will I Be Notified?

Where we have not followed procedures or have failed to provide acceptable quality of service, we will apologise and explain what we will do to ensure this doesn't happen again. If our original decision to withhold information is over-turned on appeal we will send you the additional information immediately. If we believe that our original response was correct we will let you know, and inform you of your options (see below).

What If I'm Still Not Satisfied?

If we have been unable to resolve your complaint and you are not satisfied you can approach the office of the Information Commissioner, who may investigate the matter on your behalf. This option is open to you at all times, but we will endeavour to address your complaint initially, as this may lead to a speedier resolution. It is the Information Commissioner who decides whether to investigate or not. We will co-operate fully with the Information Commissioner.

If you have any further questions about the complaints process, please contact the Information Compliance Unit on 01482 578039 or alternatively you can write to:

Head of Information Compliance Unit
Humberside Police Headquarters
Priory Road
Hull HU5 5SF
Email: Informationcomplianceunit@humberside.pnn.police.uk

Requests for a review by the Information Commissioner should be made in writing directly to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 545 700
www.informationcommissioner.gov.uk

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