

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.ukDate: 2nd February 2022

Your ref: FOI

Our ref: FOI 2021 / 023

Reply contact name is:

Dear ****,

I write in connection with your request for information dated 7th January 2022 concerning Avon Vale Hunt meet at the Red Lion Pub, Lacock 27th December 2021.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am now able to respond as follows.

You wrote/Our response:

I am writing in relation to the recent meet of the Avon Vale Hunt which took place in the National Trust village of Lacock (Chippenham, SN15 2LQ) on Monday 27th December 2021 which was attended by the hunt and their employees, hunt supporters and anti-hunt protestors.

My questions are as follows:

1). Two police officers were in attendance from early on in the morning, strongly indicating that Wiltshire Police had prior knowledge of the planned protest which had been advertised on social media in the weeks leading up to the event. At what point (date) in those weeks were the police made aware of the protest.

22nd December - The Boxing Day Hunt is an annual event within the community, historically drawing in increased numbers of public to the locality. A police presence is not unusual.

2). Did Wiltshire Police have any contact with any of the following before the event, in relation to it:

- a). The protest organisers
- b). The Avon Vale Hunt (inc any employees, or hunt masters)
- c). The Red Lion Pub, Lacock
- d). The National Trust
- e). Wiltshire Council (in relation to alcohol licensing, road closures or any other contact)



INVESTOR IN PEOPLE

Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section(1)(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- **Section 40(5) – Personal Information**

If yes to any of these, please provide details of the contact, including any transcripts where available.

As per above, the information in which you are requesting is exempt under Section 40 (5) Personal Information.

3). In addition to above, did any organisers of the Avon Vale Hunt contact police to make you aware that they intended to obstruct the road in contravention of the Highways Act with dozens of stationary horses and hounds.

Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section(1)(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- **Section 31(3) Law Enforcement**
- **Section 40(5) – Personal Information**

Please see public interest test at the end of this response letter for Section 31(3).

4). Did Wiltshire Police carry out a risk assessment for the event and counter protest, and if so can you please provide a copy. **No Information Held.**

5). Were Wiltshire Police aware of any intelligence to suggest that there was any violence expected or planned.

Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section(1)(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- **Section 31(3) Law Enforcement**

Please see public interest test at the end of this response letter for Section 31(3).

6). Can you briefly explain the decision to not send Police Liaison Officers, but instead to send two officers, and why one of them was an armed response officer.

The Police response was proportionate to the information known at the time. Police Liaison Officers are an option available to Policing as part of a proportionate response. The use of and deployment of resources is a decision for Wiltshire Police, based upon any available intelligence and ongoing assessment.

Were either of these officers adequately trained in policing protest events? **Up until last year - 2021 - all officers were given level 3 PSU training every 3 years, this included inputs in protest. Last year there was a National change to the training and a stand-alone 6-hour package was introduced. Curriculum set by the COP – College of Policing.**

7). Were Wiltshire Police aware, at the time of deploying those two officers, that at least one of the officers in attendance was known to the hunt, and friends with many of the hunt organisers and support and herself rides with the very same hunt? If not, is it a requirement that this information should have been made available to senior officers before the event?

In regard to this part of your request Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section(1)(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- **Section 40(5) – Personal Information**

8). Can you clarify if the Countryside Alliance (CA), which states certain political objectives is deemed by Wiltshire Police to be a political organisation? Please note the CA website states it is "a campaigning organisation for field sports including hunting, shooting, fishing and rural communities", and that membership of it is supporting the Alliances work to "promote and protect the rural way of life". Would you consider membership therefore to be membership of a political and/or lobbying organisation.

This part of your request is not asking for recorded information and merely is an opinion therefore this will not be a valid question under the Freedom of Information Act.

9). There is a current investigation in to the violence that occurred at the event. Can you please confirm if there is an a current investigation or future investigation planned into the following:

a). Any unlawful obstructions of the road b). Any breaches of alcohol licensing.

In regard to this part of your request Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section(1)(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- **30(3) Investigations**
- **31(3) Law Enforcement**

Please see public interest test at the end of this response letter for Section 31(3) and Section 30(3).

10). Will any policing costs for the event be sought from the Avon Vale Hunt Limited (Company Registration Number 11414950)

No costs would be sought as the policing presence was for all those in attendance

and will they be asked to contribute to those costs for future similar events.

No Information Held.

In regard to questions 2, 3, 5, 7 and 9 Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section(1)(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- 30 (3) Investigations
- 31 (3) Law Enforcement
- 40 (5) Personal information

Sections 30 and 31 are qualified exemptions and as such there is a requirement to articulate the harm and conduct a public interest test in regards to confirmation or denial.

Section 40 is a class based absolute exemption and therefore there is no requirement to consider the public interest in this case.

Overall Harm

In considering whether or not Wiltshire Police confirm they hold the information requested I have considered the potential harm that could be caused by such a disclosure.

A Freedom of Information Act request is not a private transaction. Both the request itself, and any information disclosed, are considered suitable for open publication. This is because, under the Act, any information disclosed is released into the wider public domain, effectively to the world, not just to an individual. Whilst not questioning the motives of the applicant by confirming information is held in relation to this request could allow those who seek to cause harm to disrupt the investigation as it would by a process of elimination, enable individuals to identify if specific people or groups have or have not been subject of a police investigation, leading to an increase of harm to either the investigation itself or the subject of the investigation.

To confirm or deny that the requested information is held or provide details relating to any investigation may be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public. Therefore, confirmation or denial that information is held would compromise Wiltshire Police's ability to accomplish its core function of law enforcement.

Modern-day policing is intelligence led and information of this nature, if held, needs to be treated with extreme sensitivity as it could have a detrimental effect on the operational effectiveness of Wiltshire Police. There are significant risks associated with the confirmation of such information in relation to any aspects of on-going investigations or potential operation, as to provide such details would reveal which alleged crimes have been of interest to the police, which would provide criminals of today with an insight into how the police operate, and people who wish to harm the citizens of Wiltshire with the opportunity of disrupting police activity. This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Whilst I fully acknowledge that there is a public interest in confirmation or denial, I believe that the greater risks to police investigations and law enforcement prevent the information requested, if even held, from being disclosed.

Public Interest Test

Factors favouring confirmation or denial for Section 30

To confirm or deny information is held would provide an insight into the police service and enable the public to have better understanding of the effectiveness of the police. To disclose whether information was or was not held would enhance the transparency and accountability of Wiltshire Police; particularly in relation to the spending of public money and decisions taken by its employees. This may also enhance public confidence in the police.

Factors against confirmation or denial for Section 30

By confirming or denying whether there is or has been an investigation into any unlawful obstructions of the road or any breaches of alcohol licensing, and whether this is still ongoing would hinder the prevention or detection of crime. Wiltshire Police would not wish to reveal about who, what and when intelligence is recorded as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more criminal incidents would be committed, placing individuals at risk.

To confirm or deny the existence of such information would enable those engaged in criminal activity to identify the focus of policing activity and any tactics that may or may not be deployed. This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Factors favouring confirmation or denial for S31

Disclosure of the requested information, if held, would reassure the public that the police pursue all allegations of crime and resulting investigations are conducted robustly to ensure their health, safety and welfare. Better public awareness may lead to more information from them, giving the public more trust with the Police Service.

Factors against confirmation or denial for S31

Wiltshire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would assist an offender and undermine the security of the national infrastructure, by revealing our 'intelligence', thereby highlighting vulnerabilities force by force.

By its very nature, by confirming or denying this information is held would undermine the effective delivery of operational law enforcement. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. However, in some cases it is that confirmation, or not, which could disclose facts harmful to members of the public, police officers, other law enforcement agencies and their employees.

Overall Balance Test

Wiltshire Police will not divulge whether information is or is not held if to do so would undermine an investigation and therefore compromise law enforcement or place the safety of an individual at risk. Whilst there is a public interest in the transparency of policing and providing assurance that the police service is appropriately and effectively managing the threat from criminal activity that could be posed by certain individuals or groups, there is a very strong public interest in safeguarding the integrity of police investigations and Law Enforcement.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of investigations this will only be overridden in exceptional circumstances. The areas of police interest are a sensitive issue that reveals local intelligence. To confirm or deny the existence of any information that you have requested, if held, into the public domain could enable criminals to identify the focus of policing activity and evade prosecution. Any disclosure of information, if held, which harms the law enforcement functions of Wiltshire Police by hindering the detection and prevention of crime cannot be in the public interest.

The public interest is not what interests the public but what will be of greater good, if released, to the community as a whole. The final decision to neither confirm nor deny whether information you have requested is held, is therefore based on what is in the public interest and not what is of interest to the public.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information is held with regard to questions 3, 5 and 9 is made out. No inference can be taken from this refusal that information does or does not exist.

Section 17 of the Freedom of Information Act 2009 requires Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

a) states the fact b) specifies the exemptions(s) in question c) states (if not otherwise apparent) why the exemption applies

The exemption is as follows.

- **40 (5) – Personal Information**
- **30(3) Investigations**
- **31(3) Law Enforcement**

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is

independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk