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OFFICIAL GROUP ON COAL

LESSONS OF THE MINERS' STRIKE - HOME OFFICE ASPECTS

Note by the Secretaries

Attached at Annex A is a note, prepared by the Home Office, for discussion at the Group's meeting on 2 April.

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Signed J A J BUDD  
J E ROBERTS

Cabinet Office  
27 March 1985

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The police

For the police service the miners' dispute, with the attendant mass picketing and disorder, posed public order problems which in their scale and duration were unparalleled in modern times. The duty of the police in this situation was to maintain order, to enforce the criminal law and to ensure that those who wished to work, or otherwise to go about their lawful business, were able to do so. These tasks entailed large-scale movements of police, the wide use of police powers to prevent and deal with criminal offences and breaches of the peace and, on occasion, the deployment of police horses and of officers in riot gear. The underlying structure of what is a locally based police service was placed under considerable strain by the measures necessary to deal with the public order situation, but it proved sufficiently flexible to make possible what was, all in all, a highly effective police response to the law enforcement problems posed by the dispute.

2: From a police point of view, the dispute fell into three main, overlapping phases. First there was the attempt to "picket out" the working miners, particularly in Nottinghamshire, by mass picketing, obstruction and intimidation. This attempt started in the week beginning 12 March and continued to result in serious disturbances and violence throughout the dispute. Assemblies of thousands of pickets were not uncommon: some 10,000 were at Harworth on 2 May. In the first week, more than 3,000 police officers from other forces were in Nottinghamshire alone under the "mutual aid" arrangements, to assist the local force. In that week, a Yorkshire miner died at Ollerton, Nottinghamshire, from injuries to his chest. For a considerable period something over 7,000 officers were deployed on mutual aid throughout England and Wales in a major co-ordinated response to ensure that any miner who wished to work at any pit might do so. The Home Secretary made a statement in the

House of Commons on 15 March, referring to the law on picketing and to the police operation, and making clear his full support for the actions of the police in taking every measure open to them within the law to keep the peace and protect the right to work. The Attorney-General made a further statement about the law on 16 March.

3. A notable feature of the police response was the use of common law powers to stop vehicles carrying pickets into the relevant areas whenever a breach of the peace was thought likely. The Attorney-General said in his statement on 16 March that there was no doubt that a constable had these powers. Their exercise proved controversial, particularly when Kent miners bound for the Midlands were turned back at the Dartford tunnel in March. But the action of the Chief Constable of Nottinghamshire in turning back would-be pickets when a breach of the peace was imminent was subsequently upheld by the Divisional Court.

4. The second phase was the attempt to stop supplies reaching steel works. Convoys of lorries taking coke from Port Talbot to Llanwern under heavy police escort were attacked. But the most serious disorders were at the Orgreave Coking plant in South Yorkshire in May/June. On 18 June, for example, some 10,000 people assembled to stop the British Steel Corporation removing coke from the plant. The disorder lasted for several hours, during which large numbers of missiles were thrown at the police, and vehicles and a barricade were set on fire. To deal with the violence it was necessary to use mounted officers and officers equipped with shields and helmets. 93 arrests were made at Orgreave on that day and 28 police officers were injured. Every lorry load of coke left as planned, and the convoys reached their destination safely.

5. The third phase began in November, when some miners returned to work at collieries which had been strikebound till then. On 12 November, an estimated 12,500 pickets were active in England and Wales - three or more times the average daily turnout for the preceding months. After that, the main centres of violence were in Yorkshire, Northumberland and Durham. On 30 November, a taxi driver taking a miner to work at Merthyr Vale Colliery was killed when a piece of concrete was dropped onto his car from a bridge. Three people have been charged with murder as a result of this incident.

6. Throughout the strike there were numerous incidents of attacks on and intimidation of working miners and their families at their homes and elsewhere. There were cases of arson and criminal damage at NCB premises and at the premises of hauliers and coach operators who were carrying supplies or taking miners to work.

7. The number of police officers injured in the dispute was 1,399. 9,808 people were arrested and 10,372 charges were brought. 160 people were sentenced to immediate imprisonment (the longest sentence being 5 years), 37 to detention centres and 4 to youth custody. 2,550 fines were imposed. A total of 1,385,865 police officer man days were spent on mutual aid between police forces.

8. Two factors in particular enable the police to make an effective response to the challenge presented by the dispute. First, the National Reporting Centre (NRC) at New Scotland Yard was activated at the beginning of the dispute, and was able to co-ordinate the supply of mutual aid on a country-wide basis. Arrangements for the provision of facilities for and the operation of the NRC were first made in 1972.

Second, there is no doubt that the police were much assisted by the tactical planning and training which had taken place since the inner city riots of 1981. The dispute showed that the police were now much better prepared in equipment, in tactics and in the ability to work together. It was striking that despite scenes such as those at Orgreave the police were able to cope without resort to methods such as the use of CS smoke. Defensive equipment such as shields and helmets proved of great importance, and so did the use of police horses. It is unlikely that any other police force in Europe would have been able to cope with such disorders without resort to more aggressive methods, the use of which would undoubtedly have inflamed the situation further.

9. Ordinary policing throughout the country has naturally suffered, though it is not possible to say what effect, if any, the dispute has had on national crime figures. The financial consequences in some areas, in spite of the unprecedented scale of central Government assistance, have been severe. There is now a need to get the police service back to normal, and in particular to re-establish traditional policing in the areas most effected by the dispute.

#### Reviews of policing aspects

10. There is naturally a need to review the policing of the miners' dispute to see what lessons are to be learned. This is recognised both by the Home Office and by the Association of Chief Police Officers (ACPO). It is an extension of the normal need to conduct a debriefing after an organisation has been involved in major events. Accordingly chief constables will be reviewing the performance of their own forces: as part of the normal process of inspection HM Inspectors of Constabulary will be checking that this has been done thoroughly and effectively.

11. In addition chief constables collectively, through ACPO, will be reviewing the operations of the NRC; tactical options; equipment; legislation; the constitutional position of the chief constable; finance; logistical arrangements, including transport; communications; intelligence; and training. These reviews are expected to be completed by the end of 1985.

12. Some aspects of the financial and organisational arrangements will also need to be reviewed. The local authority associations have said that they think it essential that the mutual aid arrangements should be looked at again, and such discussions will inevitably cover the roles of the NRC and of police authorities. They will also wish to discuss with the Home Office the financing arrangements for mutual aid.

#### Position of the Home Office

13. The Police Advisory Board, which is chaired by the Home Secretary, is set up under the Police Act 1964 for the purpose of advising the Secretary of State on general questions affecting the police. This brings together the police staff associations, including the Association of Chief Police Officers, the local authority associations and the Home Office and provides a natural forum for the discussion of major issues. It can also provide an umbrella for discussions between the Home Office and the local authority associations about the financial arrangements for mutual aid.

14. So far as the reviews by chief officers of police individually and collectively are concerned, the Home Office will wish to ensure that these are done thoroughly, and that lessons are picked up and incorporated in future arrangements. The Home Secretary attaches special importance to a review of the police intelligence arrangements.

This will be a sensitive and confidential matter, and the Home Office will be keeping closely in touch with the progress of the work on the subject which is being done by ACPO.

15. The Home Secretary has recently completed a review of the law relating to public order. This review takes into account the experience of the miners' strike. Its results are expected to be announced in a White Paper at the beginning of May 1985.

16. Thus the lessons to be learned from the police handling of the disorder associated with the strike are being analysed and will be taken into account and reflected in police training and operational techniques over a period of time. The lessons will need to be kept in context, since the next form of major public disorder is unlikely to mirror the circumstances of the dispute. Pending the outcome of the various reviews referred to above, the Home Office view on the main aspects of the policing arrangements is as follows.

#### Effectiveness of policing arrangements

17. The mutual aid arrangements seem to have worked effectively and well in ensuring that additional manpower was made available to chief officers of the forces most involved, whose own resources were in many cases wholly insufficient to cope. The NRC at New Scotland Yard played a vital role in the process in collecting requests for and offers of assistance, and it would be essential in any future similar situation for that role to be performed effectively. The NRC has been criticised in some quarters on the grounds that it is not accountable to any elected body (it is responsible to ACPO), but the Home Secretary has no proposals for any fundamental change in its method of operation.

18. The tactics employed by the police to enforce the law are matters for chief officers of police, and the Home Secretary's role is that of ensuring that proper planning and

thorough debriefing is undertaken. In general the tactics employed by the police in the miner's strike seem to the Home Secretary to have been successful, but it will clearly be necessary that any refinements or additional measures developed in the course of the dispute are properly documented and incorporated in police practice and training as appropriate.

#### Relations with police authorities

19. Under the Police Act 1964 it is for chief officers of police to decide whether to ask for mutual aid from other forces, and whether to supply mutual aid when asked for it. It was a matter of concern to some police authorities during the dispute that the chief constable was able to incur substantial additional expenditure by asking for mutual aid, or to send a substantial proportion of his force to other parts of the country, without the police authority having any say in the matter. The problem was particularly acute where the police authority sympathised with the striking miners. In July the South Yorkshire Police Authority, having told the Chief Constable that he should close the Orgreave plant, withdrew from him the discretion which he has under their standing orders to incur expenditure of up to £2000 without their prior approval, and told him that he was not to incur any expenditure for the purpose of dealing with picketing without their express authority. The Attorney-General took action in the courts to prevent the Chief Constable being fettered in this way. In September, the Police Authority proposed to sell off its horses and halve its dog section, but did not proceed with this proposal when the Home Secretary made it clear that further action would be taken in the courts if necessary. Following the dispute, some police authorities will continue to press for chief constables to be made more accountable to them.

20. Recognising that the costs of policing the dispute would be exceptionally high and were likely to continue for many months, the Home Secretary announced in May that special arrangements would be made to increase central Government contribution towards the costs. The normal arrangement for financing police expenditure is for 50% to be met by the Home Office through police grant. Under the special arrangements, which were revised during the course of the dispute, when the total cost in a police area reached the product of a penny rate, the Home Office contribution increased to 90%. When the police authority's contribution reached the product of three quarters of a penny rate, all further additional costs were met from central funds. In addition, the Secretary of State for the Environment decided to exercise his power to disregard additional expenditure on policing the miners' dispute for grant holdback purposes.

21. The Home Office does not envisage similar arrangements being made, save in the most exceptional circumstances, ie where the costs of policing an event or sequence of events exceeds the product of a penny rate in a police area. The Cambridgeshire Police Authority have been told that, if necessary, financial assistance will be made available on the same basis as the special payments for the miners' dispute, to meet the additional costs of policing mass demonstrations at RAF Molesworth and Alconbury in 1985-86. If additional funds from central Government were made readily available, then, apart from the burden on the Exchequer, the balance of the tripartite structure, under which responsibility for the police is shared between the Home Secretary, police authorities and chief officers of police, would be upset.

22. Under section 14 of the Police Act 1964, a police authority responsible for a force which has been given mutual aid by another force pays to the police authority for the force which has given the aid "such contribution as may have been agreed upon between those authorities". Most authorities have agreed that only the additional costs should be paid,

together with a contribution for any additional consequential costs incurred in the aiding force's area, eg overtime to cover the duties of officers away on mutual aid. However, the metropolitan counties have made claims on the basis of including the basic costs, eg the officers' salaries. The Home Secretary has made it clear that such costs would not be reimbursed through the special payment from central funds. One county, Derbyshire, has refused to pay for any mutual aid. Under the Police Act, if two police authorities cannot agree on the payments to be made, they may apply to the Home Secretary for a determination of the amount to be paid. A number of applications for determinations have been received in the Home Office, particularly for payments from Derbyshire. The basis of payment will be one of the areas to be reviewed with the local authority associations.

#### The law

23. The Home Secretary has taken the experience of the miners' strike into account in the course of his review of the public order law. He has found the basic structure sound and he does not propose to seek to make major changes, but rather to fill certain gaps in the law which have been identified. The particular proposals which draw on the experience of the miners' dispute are as follows:

- (a) It is proposed to make it possible for the police to impose conditions on "static demonstrations", including mass pickets. These conditions will be able to be imposed by the police when they reasonably apprehend serious public disorder, serious disruption to the local community or the coercion of an individual.
- (b) It is proposed to make the offence created by section 7 of the Conspiracy and Protection of Property Act 1875 (which makes it an offence to use violence, intimidate, follow, watch or beset a person with a view to compelling him not to do that which he has a right to do) an arrestable offence. In addition it is proposed to raise the maximum penalty from

3 months imprisonment or a £100 fine to six months or £2000.

The Home Secretary also proposes to introduce new statutory offences to replace the common law offences of riot, unlawful assembly and affray, on lines recommended by the Law Commission.

#### The courts

24. The miners' strike produced exceptionally high and abnormal workloads for magistrates' courts in affected areas and because of its length new cases continued to come before the courts for a prolonged period. Courts thus did not face a limited emergency, such as a football disturbance or a shortlived outbreak of public disorder occasions, but one which placed a continuing pressure on them. The magistrates' courts' service is geared to deal with the normal volume of business coming forward. Courts confronted with a sudden and considerable upsurge in work had problems on a number of fronts, eg in calling on their magistrates for more duties (and some were disqualified from dealing with miners' cases because of personal and professional connections) fitting in longer sitting hours, finding extra courtrooms and securing staff to man the extra courts. Other factors affecting the speed with which cases could be dealt with, and outside the court service's direct control, related to how quickly prosecution and defence could be ready with their cases; the availability of police witnesses (a particular problem with many police officers coming from forces outside the affected areas); and the abnormally high proportion of defendants charged with either-way offences who sought trial at the Crown Court and asked for full, as against a paper committal proceedings.

25. Faced with the emergency, courts did much to help themselves. Magistrates agreed to undertake extra duties, and courts sat outside normal hours - in particular to consider bail applications arising from mass arrests and so prevent the overnight remand in custody of those arrested. In some counties courts with the heaviest loads transferred cases to those less seriously affected. Where possible, extra courtrooms were brought into use; and temporary staff were taken on or loaned from other areas to man the courts. Courts under pressure were encouraged to apply to the Lord Chancellor's Department for temporary stipendiary help, and a number did so.

26. On the whole, although there were inevitable delays - some of which, as previously noted, were not of their making - courts coped well with the unprecedented situation.