

Police Reform and Social Responsibility Bill - March 2011

Parliament Square

What is the policy aim?

The Government is committed to restoring rights to non-violent protest. The Government is also committed to ensuring everyone can enjoy our public spaces and does not consider it is acceptable for people to camp on the Square.

With this in mind the Government is taking a new approach to Parliament Square. Instead of trying to deal with the problem of encampments by criminalising and targeting protest and protestors, these clauses seek to prevent the disruptive activities that have caused concern (e.g. erecting tents, staying overnight with sleeping equipment) in a targeted, proportionate and enforceable way and to apply it to all - not just protestors. So these clauses:

- Repeal sections 132 to 138 of the Serious Organised Crime and Police Act 2005 which we consider impose unnecessary restrictions on the right to peaceful protest around Parliament
- Prohibit in a controlled area of Parliament Square, the erection of tents and other structures and the use of sleeping equipment for the purposes of overnight stays on the Square by anyone
- Prohibit unauthorised use of noise amplification equipment
- Provide powers of seizure to the police and authorised officers to deal with these activities
- Enable local authorities to attach powers of seizure to byelaws to deal with displacement activity around the Square.

Do these provisions in effect put a time-limit on or ban overnight protests?

No. The new provisions are not focused on protests although the proposals do set out a clear expectation on what is and is not acceptable in terms of protesting around Parliament; in making a clear statement that the same framework applies as in the rest of the country.

What controls will there be on protest?

Section 14 of the Public Order Act 1986, which will reapply to the area around Parliament on repeal of SOCPA, means the police will have powers to impose conditions on assemblies of 2 or more persons where they reasonably believe it is necessary to prevent serious public disorder, serious disruption to the life of the community, serious damage to property or to prevent the intimidation of others.

This means that the police will have the same powers to police demonstrations around Parliament as they have in the rest of the country.

Alongside this there are existing byelaws covering Parliament Square Garden which means that anyone who wishes to use Parliament Square Garden as the venue for a protest, for example, will have to seek the prior permission of the Mayor.

How will you ensure these provisions are not used to restrict rights to freedom of expression, and rights to property?

The prohibited activities are clearly set out on the face of the Bill and are readily accessible to anyone who may be in the controlled area. Before anyone can commit an offence under these provisions, they must first be directed to remove a tent or stop using a loudhailer, for example. This means that the person, before committing the offence, is warned that what they are doing is prohibited and therefore has the opportunity to stop doing it before any criminal liability attaches.

The power to direct a person to stop doing something is discretionary. There is also a defence of “reasonable excuse” for failure to comply with a direction.

What does ‘noise amplification’ equipment include?

Loudspeakers, loudhailers, anything which makes amplified sound. The provisions recognise that there will be a legitimate use of loudhailers or loudspeakers particularly in the context of protests. That is why there is an authorisation process for such items.

Proposals have been carefully crafted to ensure the use of personal stereos or other equipment that does not cause a disturbance to others in the vicinity of Parliament Square is not captured

Isn't the controlled area too small? What is to stop people camping across the road from Parliament Square?

There is a well documented problem of encampments on the grassed area of Parliament Square Garden and the adjoining footways which is why the controlled area is defined as it is.

The erection of tents on the footways beyond the controlled area and beyond Parliament Square needs to be addressed through the enforcement of relevant byelaws and where applicable obstruction of the highway which police already have powers to prevent.

The new provisions for the controlled area need to work hand in hand with updated byelaws which can cover disruptive activity in the wider area. Home Office is working with the Metropolitan Police, Greater London Authority and Westminster City Council to develop enforcement protocols.

Why are you enabling local authorities in England and Wales to attach powers of seizure to byelaws?

The provisions are designed to tackle encampments in and around Parliament Square. One clause gives the GLA the ability to attach a power of seizure to its byelaws which cover Parliament Square. The clause also gives local authorities, such as Westminster City Council the ability to attach a seizure power to byelaws for good rule and government and the suppression of nuisances.

The power to seize can only be applied to a specific set of byelaws once they have been subject to a lengthy consultation process, which considers proportionality and human rights issues at each stage. This safeguards against any misuse of the power.

Local authorities already have powers of seizure to enforce trading byelaws.