

Consultation on a Public Spaces Protection Order, addressing behaviours outside the Marie Stopes Clinic, Mattock Lane

January 2018

1. Introduction

Ealing Council is consulting on the proposal to introduce a Public Spaces Protection Order (PSPO) in the area around the Marie Stopes West London Centre (Clinic) on Mattock Lane, Ealing W5 5BJ. This is to address certain behaviours by members of Pro-Life and Pro-Choice groups outside and in the vicinity of the clinic. The consultation will run from 29 January to 26 March 2018.

A PSPO allows the Council to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 provides that the Council may make a PSPO if satisfied on reasonable grounds that the following two conditions are met:

- a) That activities carried on in a public space within the authority's area have had a detrimental effect on the quality of life of those in the locality or it is likely that such activities will be carried on and will have such an effect.
- b) The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable, and justifies the restrictions imposed.

2. Background

Since July 2017 Ealing Council's Safer Communities team have been investigating concerns raised about behaviours associated with represented groups involved in protests and vigils outside the Marie Stopes clinic on Mattock Lane. The vigils and protests are associated with a number of loosely affiliated Pro-Life organisations (Good Counsel Network, Helpers of God's Precious Infants, 40 Days for Life, Ealing Pro-Life Group, Society of Pius X), and a Pro-Choice organisation (Sister Supporter).

A council motion in response to a petition to take action to tackle the associated behaviours and their impact on vulnerable women was passed at Full Council in October 2017. The motion, reproduced in full below, committed the Council to exploring all options to address the behaviours affecting people residing in, visiting and passing through the area and those accessing and working at the clinic itself.

"Ealing Council notes the 3,593 residents who signed the Sister Supporter petition and the dozens of letters from residents on and around Mattock Lane who report a "detrimental effect on my quality of life" as a result of disruption and distress caused by the protesters.

This motion is explicitly not one for or against abortion, which is available in Great Britain in the circumstances laid out in the Abortion Act 1967. It is a motion that seeks to protect the rights of individuals from harassment and

intimidation when accessing legally existing health services and of local residents not to be exposed to related disruption and distress on a daily basis. Many protesters use deliberately disturbing and graphic images and models, including those purporting to be of dismembered fetuses. They also distribute leaflets containing misleading information about abortion, and often follow, record and question women as they enter or leave the centres. Significant numbers of women report feeling intimidated and distressed by this activity as they try to access a lawful healthcare service in confidence.

The right to protest needs to be balanced with the right of pregnant women to choose and to obtain advice and treatment in confidence and free from intimidation. Those who wish to campaign to restrict women's reproductive choices have plenty of opportunities and locations in which to do so. The area outside a clinic need not and should not be one of them.

Equally, local residents who live on Mattock Lane and surrounding streets should not have to be exposed to constant nuisance, disruption and anxiety caused by such protests on a daily basis. Further, staff at Marie Stopes and all women's health clinics should be protected from bullying and intimidation at their place of work.

This Council commits to fully explore every possible option and will take all necessary actions within its powers, utilising all necessary resources, to prevent anti-abortion protestors from intimidating and harassing women outside the Marie Stopes Clinic on Mattock Lane.

The Council will do this to provide the necessary reassurance and security that all women need and deserve as they make their own personal decision about their pregnancy and to defend the quality of life of those residents living nearby who pass the clinic on a regular basis."

On 16th January 2018, following an officer report on the outcome of the investigation, including a detailed confidential evidence document, Ealing Council Cabinet voted to begin formal consultation on a Public Spaces Protection Order (PSPO) for Mattock Lane, in line with officer recommendations. You are encouraged to read the full [cabinet report](#) in conjunction with this consultation document.

Public Spaces Protection Orders were introduced under the *Anti-social Behaviour, Crime and Policing Act (2014)* and allow for councils to restrict, prohibit or require certain behaviours or activities taking place within a specified area. It has been agreed that this consultation will take the form of previous consultations for PSPOs in Ealing borough and will include an online survey, with notices being displayed and letter drops being completed in the proposed area and those areas immediately bordering it.

2.1 Investigation and liaison to date

The Council's investigation has encompassed consultation and engagement exercises with represented groups from all sides; obtaining information from Police and other agencies; engagement with the clinic and clinic staff; witness accounts from those using the clinic and those who have used it in the past; engagement with the local community, including the information and views of local residents and councillors.

During November-December 2017, based on the evidence obtained that behaviours were causing distress, alarm and harassment to clinic users, staff and others, efforts to negotiate a potential agreement in relation to the behaviours were made with the represented groups. Council officers also met with Ealing Abbey, given its reported link with the current vigil/ protests.

During this time, a number of Council officer-led meetings with represented groups took place, as well as meetings between represented groups and councillors. Ealing Council, alongside Marie Stopes, BPAS and Pro-Life groups, also attended and gave evidence to a Parliamentary Home Affairs Select Committee.

One of the Pro-Life groups involved in the vigils did not engage with the council, beyond writing to decline offers of a meeting. Groups that have been identified as involved in daily vigils and the larger Saturday protests (namely the Good Counsel Network, the Helpers of God's Precious Infants and Ealing Pro-Life Group) attended meetings with both Council officers and councillors. Representatives from those groups have made it clear that they are not willing to negotiate in relation to a voluntary 'safe zone' or agreed protest area away from the immediate entrance of the clinic.

Pro-Life groups have further stated they are not willing to voluntarily cease approaching women directly when they are entering and leaving the clinic, nor are they willing to cease using images of fetuses as part of their efforts to engage with clinic users.

In meetings with Pro-Choice representatives, they have been equally clear that the only circumstances that they will consider a voluntary 'safe zone' or agreed protest area away from the immediate vicinity of the clinic is if all Pro-Life vigil members and protest groups undertake to do the same.

Ealing Abbey's position is that the church does not organise or coordinate the vigil/ protests. Ealing Abbey is committed to defending the right to 'peaceful prayer', however they have outlined their concerns with some of the behaviours of Pro-Life vigil members. Officers concluded that a negotiated position was unlikely to be achieved, given the difference of approach, opinion and willingness to engage by all groups. Despite this, and the start of the statutory consultation process for a PSPO,

the Council remains committed to exploring all options, including a negotiated settlement.

3. Options considered

A number of options have been identified and examined by officers, including:

- Existing use of police powers
- A negotiated agreement between all represented groups
- A Public Spaces Protection Order (PSPO)
- Environmental design changes to the area
- Injunctive powers

These were considered as part of a comprehensive options assessment presented to Cabinet ([cabinet report Appendix 2](#)). Of the options available to the Council, it was considered by officers that, given the likelihood of a negotiated agreement remaining unachievable or unenforceable, a PSPO may be the most appropriate action.

4. Consultation

This public consultation invites views on a proposed Public Spaces Protection Order (PSPO) from people with an interest in the affected area. This will include provision for: people who reside in the area, people who visit and pass through the area, people who work in the area and people who access services in the area. While views are welcome from anyone with an interest in the affected area, priority will be given to the views of those most directly affected by the behaviours of the represented groups, as well as the conditions proposed in the PSPO. The consultation will be conducted in line with existing Home Office guidance and will be consistent with the approach taken by Ealing Council in previous PSPO consultations. A draft order and map of the potential affected area has been included as part of the consultation.

Consultation on the proposal will be carried out from 29th January – 26th March 2018. The consultation will primarily take the form of an online survey, and local people will be notified through notices and letter drops within the affected area and its borders, as well as through social media. The council will also consult in writing with all of its statutory partners in police as well as a wide range of non-statutory partner agencies, organisations and associations.

As with all consultations, written representations may be made by those who may have difficulty accessing services online and provision will be made under the Equality Act 2010 for any person who may need additional support in making their views heard.

To take part in the consultation please visit www.ealing.gov.uk/safezone.

For any questions or help with the consultation please call 020 8825 5994 or email safercommunities@ealing.gov.uk.

5. What happens next

All responses received through the consultation will be documented, analysed and used to inform the decision on whether to implement a Public Spaces Protection Order. An officer recommendation will then be provided to Cabinet in the form of a comprehensive report, detailing the outcome of the consultation.

If introduced, the PSPO would be likely to prohibit people in Mattock Lane from approaching or monitoring women accessing the clinic, congregating in large groups, displaying distressing images and using amplification equipment. Such a PSPO may initially be in force for a period of up to three years.

6. Map of the proposed PSPO area

The proposed PSPO 'Safe Zone' is shown by red dotted lines on the map below, with the location of the Marie Stopes Clinic shown by blue boundaries. A 'Designated area' outlined by green boundaries is where the restrictions won't apply, subject to certain conditions. An [interactive version](#) of the map is also available.



7. Draft PSPO

A draft PSPO is provided below, containing the list of prohibited and permitted activities/ behaviours in the designated PSPO area.

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by the London Borough of Ealing (the 'Council') and shall be known as the Public Spaces Protection Order (Mattock Lane) 2018.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and that:

the effect, or likely effect, of the activities:

is, or is likely to be, of a persistent or continuing nature,

is, or is likely to be, such as to make the activities unreasonable, and

justifies the restrictions imposed by the notice.

2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

4. The Activities prohibited by the Order are:
 - i. Protesting, namely engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means, including, without limitation, graphic, verbal or written means, and including, for the avoidance of doubt, prayer or counselling
 - ii. Interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff
 - iii. Intimidating or harassing, or attempting to intimidate or harass, a service user or a member of staff
 - iv. Recording or photographing a service user or member of staff of the clinic whilst they are in the safe zone, or
 - v. Displaying any text or images relating directly or indirectly to the termination of pregnancy.
 - vi. Playing or using amplified music, voice or audio recordings

THE PROHIBITION

5. A person shall not engage in any of the Activities anywhere within the safe zone as shown shaded on the attached map labelled 'The safe zone'.
6. This Prohibition is subject to the Exception stated below.

DEFINITIONS

7. In this Order the following words or phrases are defined as follows:

'Safe zone' means the area outlined in a red boundary on the attached map and marked 'safe zone for the PSPO (Mattock Lane) 2018';

'Designated area' means the cross-hatched shaded area as identified on the attached map outlined with a green boundary and labelled 'Designated area';

'Protesting' means being in the safe zone (whether by yourself or with others) and engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means, including, without limitation, graphic, verbal or written means, and including, for the avoidance of doubt, prayer or counselling;

'Displaying any text or images relating directly or indirectly to the termination of pregnancy' includes but is not limited to, imagery or textual references to abortion, baby, mum, foetus, soul, kill, hell, murder;

'Member of staff' includes any employee, agent or contractor of the Marie Stopes Clinic situated in the safe zone;

'Service user' includes any patient or visitor to the Marie Stopes Clinic in Mattock Lane, Ealing W5.

REQUIREMENTS

8. A person who is believed to have engaged in a breach of this order or anti-social behaviour within the safe zone, is required to give their name and address to a police officer, police community support officer or other person designated by Ealing Council.
9. A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the safe zone, is required to leave the area if asked to do so by a police officer, police community support officer or other person designated by Ealing Council.

THE EXCEPTION

10. The Prohibition does not apply to the green-shaded area identified on the attached map outlined with a green boundary and labelled 'Designated area'

RESTRICTIONS APPLYING IN THE DESIGNATED AREA

11. A person must not be part of a group or groups which together total four or more persons at any one time.
12. No individual poster, text or image, singularly or collectively greater than one sheet of A3 paper may be displayed within the Designated area.
13. A person within the Designated area must not shout any message or words relating to the termination of pregnancy.
14. A person within the Designated area must not play or use amplified music, voice or audio recordings.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

15. This Order will come into force at midnight on [] and will expire at midnight on [].

16. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

- (a) to do anything that the person is prohibited from doing by a public spaces protection order,
or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale

FIXED PENALTY

A constable, police community support officer or city council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the safe zone. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

Sealed etc

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order,
or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order