

ORDER

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. This includes but is not limited to graphic, verbal or written means, 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,
- v Displaying any text or images relating directly or indirectly to the termination of pregnancy, or
- 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:

'Clinic' means the Marie Stopes Clinic on Mattock Lane, Ealing, W5;

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

'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 Clinic;

'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. This includes but is not limited to, graphic, verbal or written means, prayer or counselling;

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

'Service user' includes any patient or visitor to the Clinic.

REQUIREMENTS

8. 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 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. No more than four persons may be present in the Designated Area 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 was made on 10th April 2018 and will expire at 23.59 on 10th April 2021 unless extended.
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 or quash the order or any of its prohibitions or requirements.

Order made by decision of Ealing Council Cabinet at meeting of 10th April 2018

Signed by: 

Mark Wiltshire, Director of Safer Communities and Housing

Section 67 Anti-Social Behaviour Crime and Policing Act 2014 (referred to above)

(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

