

## **London Borough of Richmond upon Thames Council**

### **The Anti-Social Behaviour Crime and Policing Act 2014 The Public Spaces Protection Order (Rosslyn Road) 2019**

**WHEREAS** the London Borough of Richmond upon Thames Council (“the Council”) is satisfied that the requirements of sections 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) have been satisfied and that it is, in all the circumstances, appropriate to make this Order. This order is made by the Council and shall be known as the Public Spaces Protection Order (Rosslyn Road) 2019.

**WHEREAS** the Council is satisfied that activities have been and will continue to be carried out in the buffer zone referred to below which have had and will continue to have a detrimental effect on the quality of life of those in the locality, such activities being the vigils, protests or interaction with staff or visitors or patients of the BPAS Clinic in Rosslyn Road Twickenham or such protests that affect residents in Rosslyn Road Twickenham and surrounding roads.

**WHEREAS** 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.

**WHEREAS** the Council is satisfied that the effect of the activities is, or is likely to be, of a persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed by this Order.

**WHEREAS** the Council is satisfied that the prohibitions imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect from continuing, occurring, or recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

**WHEREAS** 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 COUNCIL MAKES** the following Order in exercise of its powers under section 59 of the Act.

#### **THE ACTIVITIES**

1. The Activities prohibited by this Order are:

a) Protesting, namely engaging in any act of approval or disapproval or attempted act of approval or 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, any form of counselling or interaction with residents or BPAS clients on the street;

b) Interfering or attempting to interfere, whether verbally or physically, with a BPAS client or member of staff;

c) Intimidating or harassing, or attempting to intimidate or harass, a BPAS client or a member of staff;

d) Recording or photographing a BPAS client or member of staff of the clinic whilst they are in the buffer zone; or

e) Displaying any text or images relating directly or indirectly to the termination of pregnancy.

## THE PROHIBITION

2. A person shall not engage in any of the Activities anywhere within the buffer zone as shown with a red boundary on the attached map labelled 'The buffer zone'.

## DEFINITIONS

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

**'Buffer zone'** means the area outlined in a red boundary on the attached map and marked 'buffer zone' for the Public Spaces Protection Order (Rosslyn Road) 2019;

**'Protesting'** means being in the buffer zone (whether by yourself or with others) and engaging in any act of approval or disapproval or attempted act of approval or 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, babies, mum, womb, foetus, soul, kill, hell, murder;

**'Member of staff'** includes any employee, agent or contractor of the BPAS Clinic situated in the buffer zone;

**'BPAS Client'** includes any patient or visitor to the BPAS Clinic in Rosslyn Road Twickenham.

## REQUIREMENTS

4. A person who is believed to have engaged in a breach of this order or anti-social behaviour within the buffer zone, is required to give their name and address to a police officer, police community support officer or other person designated by the Council.

5. A person who is believed to have engaged in a breach of this order, or in antisocial behaviour within the buffer 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 the council.

#### PERIOD FOR WHICH THIS ORDER HAS EFFECT

6. This Order will come into force at midday on 1<sup>st</sup> April 2019.

7. This Order will expire at midday on 31<sup>st</sup> March 2022.

8. 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.

#### OFFENCES

9. 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.

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

#### FIXED PENALTY

11. A constable, police community support officer or 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

12. 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 buffer zone. This means that only those who are directly affected by the restrictions have the power to challenge it. The right to challenge also exists where an order is varied by the Council.

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

14. When such 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.

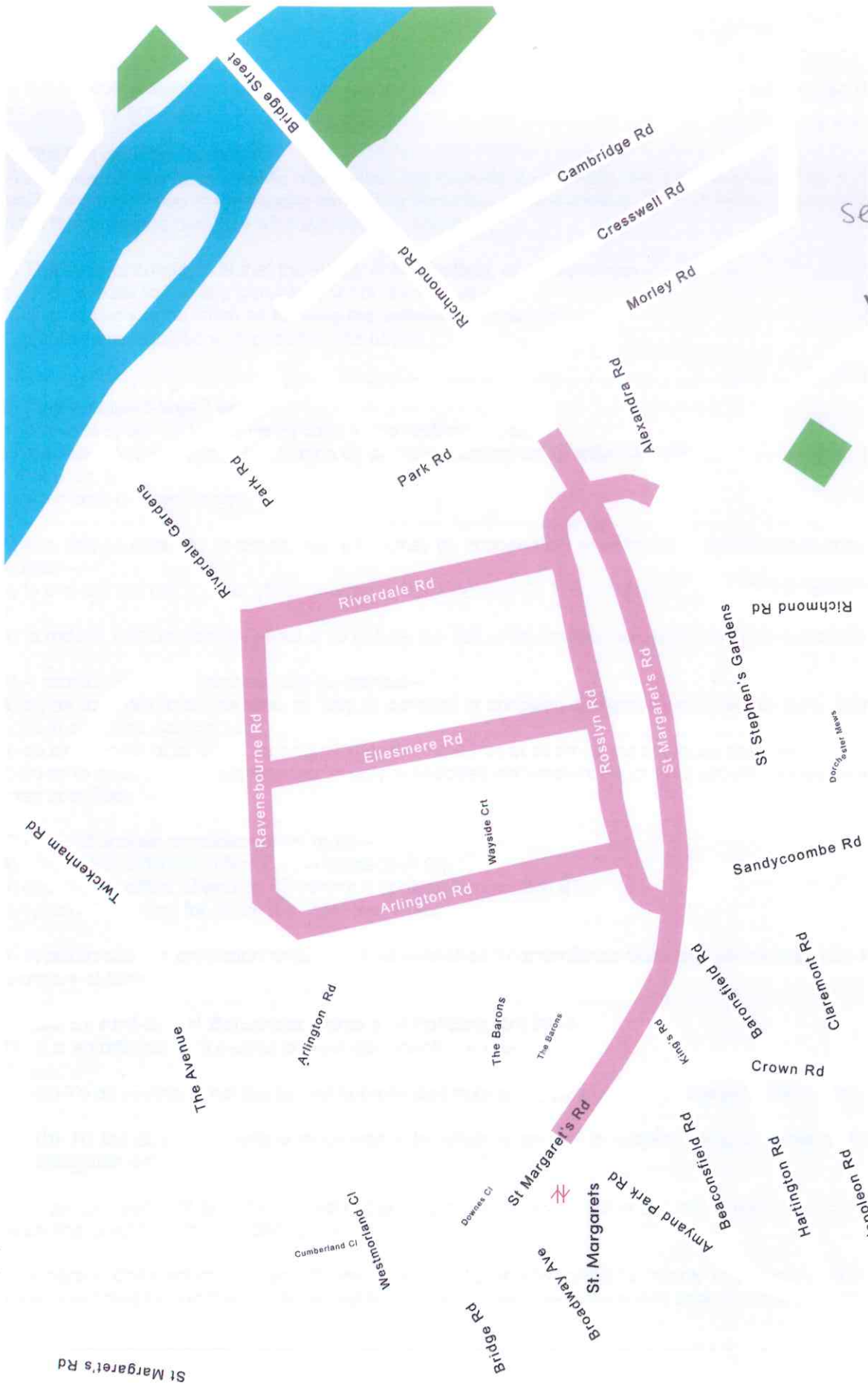
Dated 1<sup>st</sup> April 2019

**IN WITNESS WHEREOF THE COMMON }  
SEAL OF THE MAYOR AND BURGESSES }  
OF THE LONDON BOROUGH OF }  
RICHMOND UPON THAMES }  
was hereunto affixed and this document }  
thereby executed as a Deed }  
in the presence of }**



28892/03

**Authorised Signatory**



Seal no.  
28892/03  
*[Signature]*

## **Section 59 Anti-Social Behaviour Crime and Policing Act 2014**

(1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2) The first condition is that—

(a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities—

(a) is, or is likely to be, of a persistent or continuing nature,  
(b) is, or is likely to be, such as to make the activities unreasonable, and  
(c) justifies the restrictions imposed by the notice.

(4) A public spaces protection order is an order that identifies the public place referred to in subsection

(2) ("the restricted area") and—

(a) prohibits specified things being done in the restricted area,  
(b) requires specified things to be done by persons carrying on specified activities in that area, or  
(c) does both of those things.

(5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—

(a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or  
(b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

(6) A prohibition or requirement may be framed—

(a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;  
(b) so as to apply at all times, or only at specified times, or at all times except those specified;  
(c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.

(7) A public spaces protection order must—

(a) identify the activities referred to in subsection (2);  
(b) explain the effect of section 63 (where it applies) and section 67;  
(c) specify the period for which the order has effect.

(8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

## **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.