



## **Richmond Council Consultation on a Public Spaces Protection Order for the Rosslyn Road area**

### **Introduction**

Richmond Council is consulting residents, interested individuals, groups and other stakeholders on the proposal to introduce a Public Spaces Protection Order (PSPO) to address the concerns about the protests/vigils outside the British Pregnancy Advisory Service (BPAS) Clinic in Rosslyn Road.

A PSPO under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the ACT) allows the Council to prohibit specific activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area.

To introduce a PSPO the Council has to be satisfied on reasonable grounds that certain conditions have been met.

The first test requires that “-activities that have taken place have had a detrimental effect on the quality of life of those live in the locality or it is likely that activities will take place and that they will have a detrimental effect.”

The second test is that “-the effect or likely effect of these activities a) is, or is likely to be, persistent or continuing in nature b) is, or is likely to be, unreasonable and c) justifies the restrictions being imposed”.

### **Background**

The BPAS Clinic, which is located on Rosslyn Road, Twickenham provides abortion advice & treatment, counselling and contraception amongst other services. The clinic sees approximately 50 clients a day during its operating hours of Tuesday to Saturday from 08:00 to 19:00. It is understood that there has been a clinic at this location since the mid 1970's.

While there have been protests/vigils outside the clinic on and off for over 10 years, these tended to be infrequent and less organised. From September 2013, however, the frequency and scope of the protests/vigils has increased to the extent that they have been almost daily with the number of protestors/vigil holders varying between one to four and on occasion up to a dozen. The protestors/vigil holders appear to be associated with or volunteers of pro-life organisations, with the primary organisation being The Good Counsel Network.

The Good Counsel Network describe themselves on their website as “a life-affirming women’s organisation which offers a free pregnancy test, free advice, medical information, practical help and moral support to women seeking an abortion”

## **Evidence base and investigation**

In response to these daily protests/vigils a group of residents organised and presented a petition to the Full Council meeting in November 2014 raising concerns about the negative impact the protests/vigils were having on the local neighbourhood. The Cabinet Member for Community Safety responded that “the Council would do all that was lawful to stop the problems.”

This was followed by a second petition in 2017-18 by local residents group “Reclaim Rosslyn Road”, calling on the Council to take all measures within its power, including the option of a PSPO, to allow women to access services “free from interference and intimidation.”

In response to a question from one of the ward councillors at the Full Council meeting in January 2018 the Cabinet Member for Housing, Public Health and Community Safety at the time responded by saying that he was committed to “identifying all the options open to the Council to deal with issues of anti-social behaviour, causing harassment, alarm and distress to patients attending the BPAS clinic.”

A range of behaviours have been reported, including displaying images, approaching people and attempting to speak to them, handing out leaflets, and rosary beads, which have made some people feel upset, uncomfortable, intimidated and/or harassed.

In response to these concerns officers from the Community Safety Service have been liaising with interested parties about their concerns and to review the evidence base. These meetings and the evidence review have taken place from January 2018 to the present.

Officers have analysed the impact and witness statements gathered by BPAS and Richmond Police over the period 2003-2018, of which the majority relate to the period 2013-18 when the protests/vigils became more regular and co-ordinated.

The analysis of these statements coupled with the petitions and community safety officer observations, demonstrate that the protests/vigils continue to have a negative impact on some of those who visit, work, reside in the local area or visit the clinic and that they feel harassed, alarmed or distressed by the presence of the protests/vigils.

The Council wrote to The Good Counsel Network asking them to cease the activities that were causing complaints. In response to the Council’s letter they refuted the description of their vigils and offers of help as protests and denied that their actions caused harassment, alarm or distress.

## **Why a PSPO?**

The Council considered the powers of various Anti-Social Behaviour and Public Order Acts as part of an options appraisal report. These included

- Negotiated agreement
- Byelaw

- Community Protection Notices
- Dispersal Power
- Protection from Harassment Act 1997
- Public Order Act 1986
- Public Spaces Protection Order (PSPO)

The report concluded that a PSPO could be the most appropriate proportionate and effective power to use.

### **What would a PSPO involve?**

A PSPO prohibits specific activities within a defined area. In this case the activities and the defined area (or buffer zone) are shown at the end of this document.

Failing to comply with the restrictions imposed by the PSPO would constitute a criminal offence.

If implemented the Order would be introduced for three years and reviewed on a regular basis.

### **Have your say**

We would like to hear your views on the issue and whether or not you would support the implementation of a PSPO in the Rosslyn Road area.

The consultation will run for 6 weeks between **29<sup>th</sup> October** and **9<sup>th</sup> December 2018**.

The consultation is seeking the views of those who live, work, visit or pass through the area, those who access services from the BPAS Clinic, local stakeholders, groups affected by these proposals and statutory consultees.

To ensure that everyone has the opportunity to take part in the consultation the Council will:

- Send letters to those households in the proposed buffer zone and in the immediate surrounding area.
- Contact the BPAS Clinic, The Good Counsel Network, other stakeholder groups and statutory consultees.
- Set up an online questionnaire and provide paper copies for local venues and on request.
- Publicise the consultation via press releases, social media and through the Council's Community Links team.

The consultation is open to all and respondents will be asked for their full postcode and the capacity in which they are responding, so that we understand any impact on people in the area.

The draft PSPO and map of the potential buffer zone are included as appendices to this consultation document.

All other supporting documents can be viewed at:

<https://cabnet.richmond.gov.uk/mgAi.aspx?ID=35875#mgDocuments>

To take part in the online consultation please go to:

<https://haveyoursay.citizenspace.com/community-safety/rosslyn-road>

If you have any questions or need help in relation to the consultation please call **020 8891 1411** or e-mail us at [consultationrosslynroad@richmond.gov.uk](mailto:consultationrosslynroad@richmond.gov.uk)

**The most effective way for your views to be fully considered is to complete the online consultation questionnaire or a paper copy.**

### **Next steps**

Once the consultation is completed a further report will be submitted to the Council's Regulatory Committee, which will include a full analysis of the consultation. This report will include a recommendation on whether or not to implement a PSPO. The Council will need to be satisfied that a PSPO would meet the necessary conditions and provide a proportionate response to the issues identified. This report is expected to be considered by the Regulatory Committee in early February 2019.



St Margaret's Rd

The Avenue

Twickenham Rd

Riverdale Gardens

Ravensbourne Rd

Park Rd

Bridge Street

Arlington Rd

Westmorland Cl  
Cumberland Cl

Ellesmere Rd

Park Rd

Richmond Rd

Bridge Rd

Downes Cl

St Margaret's Rd

Broadway Ave

St. Margarets

The Barons

Wayside Crt

Rosslyn Rd

Alexandra Rd

Cambridge Rd

Amyand Park Rd

Beaconsfield Rd

The Barons

King's Rd

St Margaret's Rd

Morley Rd

Creswell Rd

Hartington Rd

Crown Rd

Baronsfield Rd

St Stephen's Gardens

Richmond Rd

Manoleon Rd

Claremont Rd

Sandycombe Rd

Dorchester Mews

**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 anti-social 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 midnight on **[INSERT DATE]**

7. This Order will expire at midnight on **[INSERT DATE]**.

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.....

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

**Authorised Signatory**



## **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.