



Home Office

**POLICE REFORM AND SOCIAL
RESPONSIBILITY ACT 2011 (AS
AMENDED BY THE ANTISOCIAL
BEHAVIOUR CRIME AND POLICING
ACT 2014)**

**GUIDANCE ON THE PROVISIONS
RELATING TO PARLIAMENT SQUARE
AND THE AREAS SURROUNDING THE
PALACE OF WESTMINSTER**

PURPOSE OF THIS GUIDANCE

Part 3 (Sections 141-149) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) contains provisions for the management of Parliament Square and surrounding areas, which includes measures to address encampments and other disruptive activities on Parliament Square and surrounding areas.

The provisions of Part 3 of the 2011 Act prohibit certain types of activities from taking place on two defined areas of land: the ‘controlled area of Parliament Square’ and the ‘Palace of Westminster controlled area’. The provisions relating to the controlled area of Parliament Square deal with encampments and the use of amplified noise equipment. Those relating to the Palace of Westminster controlled area relate only to the use of amplified noise equipment.

This guidance provides an overview of the relevant part of this legislation and explains the purpose and aim of the relevant sections of the legislation. It also provides further clarification on how the legislation should be implemented to deal with the harms it is seeking to address.

This guidance replaces the document issued in 2011.

WHO IS THIS GUIDANCE FOR?

This guidance is aimed at the practitioners responsible for the enforcement of the legislation but also provides relevant information for the general public so that they are aware of the legislation concerning protest in Parliament Square and surrounding areas.

WHO HAS WRITTEN THIS GUIDANCE?

This guidance has been prepared by the Home Office, in consultation with the Metropolitan Police Service (MPS), the Greater London Authority (GLA), Westminster City Council (WCC), Royal Parks and other key partners.

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Introduction

The Government is committed to restoring rights to non-violent protest. The Government is also committed to ensuring that everyone can enjoy our public spaces and to dealing with the harm caused by encampments and other disruptive activities in and around Parliament Square. This harm includes:

- damage to Parliament Square;
- noise disruption;
- hygiene, health and safety issues;
- placing iconic spaces out of bounds for the enjoyment of the public, including those who wish to exercise their rights to protest peacefully.

The provisions in the 2011 Act are aimed at targeting these specific problems and empowering the relevant authorities to take action by giving them the ability to enforce the provisions more effectively.

The legislation overrides any bye-laws in place which replicate an activity prohibited under the Act; neither can new bye-laws be made which replicate the provisions in the 2011 Act.

The 2011 Act (amended by the Anti-Social behaviour, Crime and Policing Act 2014) includes provisions that:

- Repeal sections 132 to 138 of the Serious Organised Crime and Police Act 2005 (“SOCPA”) which were considered to impose unnecessary restrictions on the right to peaceful protest around the Houses of Parliament;
- Prohibit the erection of tents and other similar structures within the controlled area;
- Prohibit the use of sleeping equipment for the purpose of sleeping or staying within the controlled area;
- Prohibit unauthorised use of noise amplification equipment in the Parliament Square and Palace of Westminster controlled areas;
- Provide powers of seizure to the police and authorised officers to deal with these activities;
- Enable the relevant authorities to attach powers of seizure to byelaws to deal with displacement activity around Parliament Square.
- The ability to attach power of seizure to local byelaws is extended to all local authorities in England and Wales to enable them to deal with local issues.

Repeal of SOCPA Provisions

Section 141(1) of the 2011 Act repealed sections 132-138 of the Serious Organised Crime and Police Act (SOCPA) 2005, which previously regulated demonstrations and the use of loudspeakers in the designated area around the Houses of Parliament. The effect of repealing these provisions means that:

- there is no longer a requirement to give notice to and obtain authorisation from the Metropolitan Police in respect of a static demonstration in the designated area.
- the repealing of section 132(6) of SOCPA means that section 14 of the Public Order Act 1986, which was previously disapplied when SOCPA came into force, now applies to static demonstrations in the vicinity of Parliament (as it applies in relation to the rest of England and Wales).
- the reinstatement of section 14 of the Public Order Act 1986 in relation to the vicinity of Parliament means that the police once again have powers to impose conditions on public assemblies of two or more persons to prevent, where necessary, serious public disorder, serious disruption to the life of the community, serious damage to property and to prevent intimidation of others.
- although it is no longer a legal requirement for protesters to notify the Metropolitan Police in advance of a static demonstration, it is clearly desirable that the organisers of large demonstrations communicate with the police about their intentions as without such notification the police may have grounds to put greater restrictions on a protest than they otherwise would have done. In turn, the police should liaise with protestors before and during events, as necessary.
- the Parliament Square Garden Byelaws 2012 (enacted under section 385 Greater London Authority Act 1999) outline a number of activities (e.g. assembly or rally) that require written permission from the Mayor. They also contain a list of prohibited activities within the Square. The Mayor will not give permission for any activity defined as a 'prohibited act' under Section 3 of the 2012 Byelaws.

Where does this legislation apply?

Section 142(1) defines the area of Parliament Square in which it is an offence to carry out a number of prohibited activities against the direction of a constable or authorised officer. The controlled area is defined as the central garden of Parliament Square and the footways that immediately adjoin the central garden of Parliament Square.

Section 142A defines the 'Palace of Westminster controlled area' as the roads in SW1 known as:

- (i) Bridge Street,
- (ii) St Margaret's Street, and
- (iii) Abingdon Street,

- (iv) Great College Street as immediately adjoins Abingdon Street Garden,
- (v) Old Palace Yard (including the King George V Memorial),
- (vi) Abingdon Street Garden (including the garden constructed on the former 17 to 28 Abingdon Street, the garden surrounding the adjoining Jewel Tower and the lawn surrounding the King George V Memorial) (and its pathways), and
- (vii) Victoria Tower Gardens.

A map of the controlled areas is provided at the end of this guidance.

What are the Prohibited Activities in the Controlled Area of Parliament Square?

The Parliament Square provisions prohibit certain types of activity from taking place on the controlled area of Parliament Square. The prohibited activities are clearly set out in section 143(2) and include:

- operating any amplified noise equipment;
- erecting or keeping erected any tent, or any other structure designed or adapted for the purpose of facilitating sleeping or staying in a place for any period;
- using any tent or similar structure for the purpose of sleeping or staying in the controlled area;
- placing or keeping in place any sleeping equipment with a view to its use for the purpose of sleeping in the controlled area;
- using any sleeping equipment for the purpose of sleeping in that area.

The provisions have been carefully constructed to prohibit only those disruptive actions that impact on the wider enjoyment of the Square by others. These provisions require authorised officers to use their professional judgement and a degree of discretion in deciding what may constitute structures designed or adapted for the purpose of facilitation of sleeping or staying in a place for any period, on a case-by-case basis. For example, this may, depending upon the circumstances, include cardboard boxes and wooden boxes, which are also being used to store camping equipment or food supplies.

Section 143(1) provides a constable or authorised officer with the power to direct a person to stop doing, or not to start doing, a prohibited activity which they reasonably believe a person is doing, or is about to do in the controlled area. If any person appears to be engaging in a prohibited activity or about to engage in a prohibited activity, a constable or authorised officer of the Greater London Authority (GLA) or Westminster City Council (WCC) may direct the person to stop the activity or not to start doing the activity. Failure to comply with the direction, without reasonable excuse, is a criminal offence attracting a maximum of a level 5 fine.

Section 143(3) sets out express exceptions so that an activity is not prohibited if it is done for emergency services purposes; by or on behalf of a relevant authority, meaning a Minister of the Crown or a government department, the GLA or WCC; or where the GLA or WCC authorise a person to use amplified noise equipment.

Section 144(4) restricts when a direction can be given to a person to cease operating or to not start operating any amplified noise equipment. In subsection (5) the condition is that the person is operating equipment or about to do so in such a way as to produce sound that others in or in the vicinity of the controlled area of Parliament Square, or in the Palace of Westminster controlled area can hear or are likely to be able to hear.

Section 147 provides that the GLA or WCC may authorise the operation of noise amplification equipment in the controlled area of Parliament Square and sets out the framework in relation to processing and considering applications. Therefore using a loudhailer (or other similar equipment) is only a prohibited activity if it has not been authorised.

The purpose of this is to further the aim of the Act, which is to prevent the types of harm mentioned above (page 4) in a way that is proportionate and respects rights under Article 10 and 11 of the European Convention on Human Rights in each case.

Under section 147(6) the responsible authority may at any time withdraw an authorisation for the operation of an amplified noise equipment or vary any condition to which an authorisation is subject. Under section 147(7) varying a condition includes imposing a new condition, removing an existing condition or altering any period to which a condition applies.

Before anyone can commit an offence under these provisions, they must first be directed to remove prohibited items such as tents (or any other structure designed or adapted for the purpose of facilitating sleeping or staying in a place for any period) or stop using loudhailers etc. This is a proportionate approach as 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.

This also ensures that the offences are enforceable, as they require a police officer or authorised officer of the GLA or WCC to be present at the scene.

What are the Prohibited Activities in the Palace of Westminster Controlled Area?

In the Palace of Westminster controlled area the only prohibited activity within the meaning of the 2011 Act is the operation of amplified noise equipment. WCC Byelaws and the Royal Parks and Other Open Spaces Regulations 1997 cover the prohibition of camping or using a tent or similar structure.

The Secretary of State for Culture, Media and Sport may authorise the use of amplified noise equipment for any land comprised in Royal Parkland and WCC will be the responsible authority for authorising the use of amplified noise equipment on any other land within the Palace of Westminster controlled area.

What can a constable and an authorised person direct under the Act?

Section 144 provides further detail on the directions that can be given to a person requiring them to cease a prohibited activity.

For example, subsections (1) and (2) provide that the direction to stop a prohibited activity may include a direction that a person does not start doing that activity again and that the direction continues in force for a period of time specified by the constable or authorised officer giving the direction.

Where a period is not specified, subsection (2) provides that a direction will remain in force up to 90 days from the date of the direction being given.

Section 144 also provides for directions to be given orally, either to a person individually or to two or more persons together. This is to provide flexibility for constables and authorised officers, and not restrict them to having to give written directions in every case.

Clearly where a direction is given to a person which is to remain in force for a longer period of time, we would expect the constable or authorised officer to provide it in writing to the person. Also where a person has failed to comply with the initial direction, it would be essential for the constable or authorised officer to keep a written record which can be used as evidence of the direction.

Section 145 also sets out the limit on a direction which can be given to a person to cease operating or not to start operating any amplified noise equipment. In subsection (5) the condition is that the person is operating equipment or about to do so in such a way as to produce sound that others in or in the vicinity of the controlled area of Parliament Square or the Palace of Westminster controlled area can or are likely to be able to hear.

Power to Seize Property

Section 145 provides that a constable or authorised officer may seize and retain a prohibited item on land in the controlled areas, where it appears that the item is being, or has been used in connection with the commission of an offence of failing without reasonable excuse to comply with a direction.

This power is necessary to facilitate effective enforcement. Subsection (1) and (1A) provide powers to seize property in relation to the controlled area of Parliament Square and the Palace of Westminster respectively, to both constables and authorised persons; subsection (2) and (2A) provides these powers to a constable only in relation to a prohibited item on land **outside** the controlled area of Parliament Square or the Palace of Westminster controlled area where it appears to the constable that the item has been used in connection with a section 143 offence.

Subsection (4) provides that the police may use reasonable force, if necessary, in exercising a power of seizure. There is no similar provision for authorised officers.

The authorised officers will have some limitations in how far they can go in seizing prohibited items where a person is unwilling to hand over, for example, a tent or sleeping bag. Where necessary authorised officers will need to call on the assistance of the Metropolitan Police.

Power of Court on Conviction

Section 146 empowers the courts to order forfeiture of an item which was used in the commission of an offence under section 143.

It also empowers the court to make any appropriate order which has the purpose of preventing the defendant from engaging in prohibited activities in the controlled areas. Such an order may require a defendant not to enter the controlled area of Parliament Square or the Palace of Westminster controlled area for a specified period.

We would not expect the court to make an order barring a person from Parliament Square or the Palace of Westminster controlled area very often, and of course, the court must exercise its powers compatibly with Convention rights. However this section does empower the court to make the most appropriate order where a determined individual has persistently failed to comply with directions. The court can (if appropriate), and taking all matters into consideration including Convention rights, bar the individual from the controlled area to prevent them from engaging in further prohibited activity.

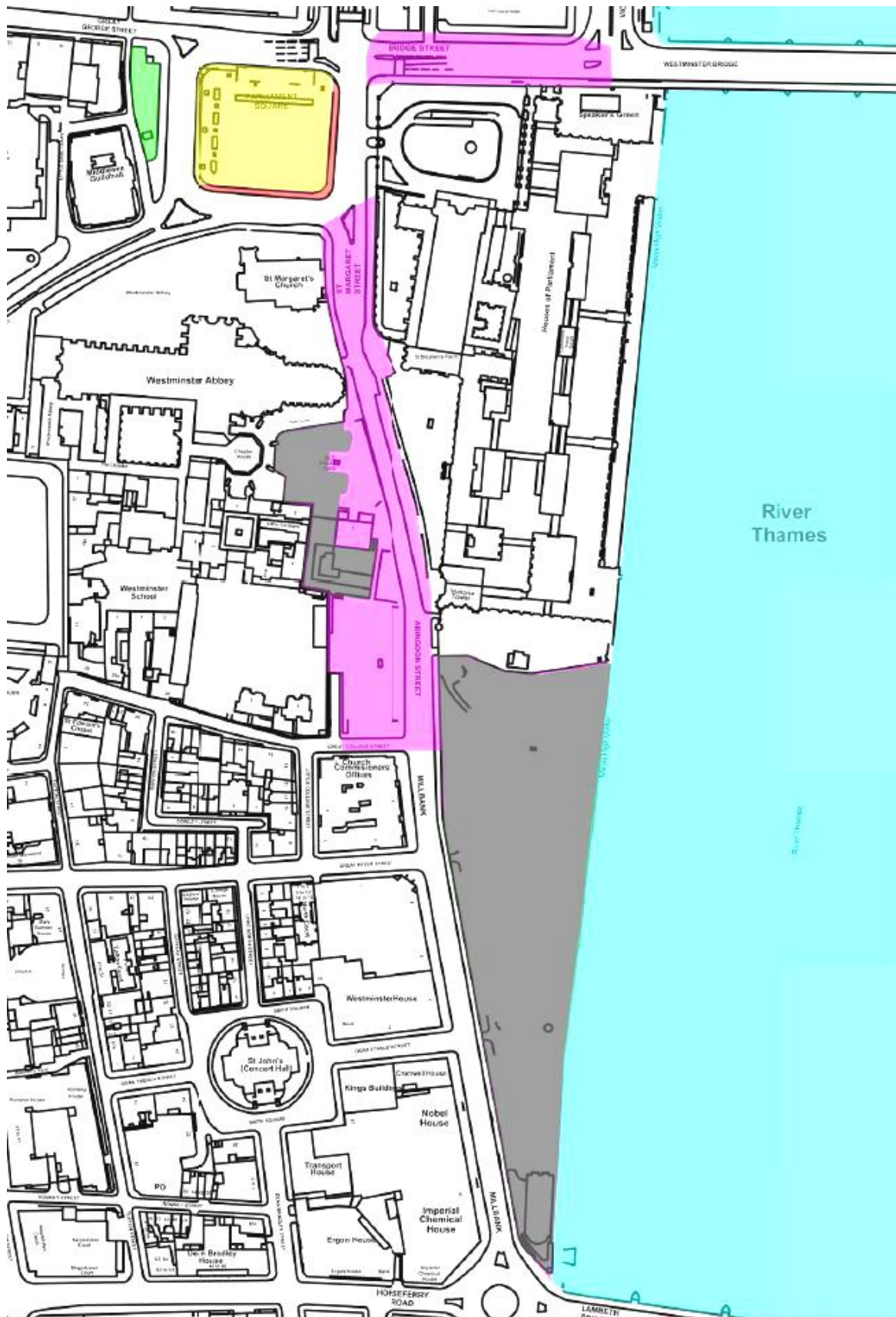
Enforcement

The package of measures in Part 3 is aimed at preventing encampments and dealing with disruptive activity by anyone on Parliament Square or in the vicinity of the Palace of Westminster, giving the police and authorised officers of the GLA and WCC powers to ensure that everyone has access to these areas as long as their presence is not seriously disrupting others.

When faced with a prohibited activity the relevant authority should take the first step, so for example, if a person erects a tent on Parliament Square, a GLA Heritage Warden will in the first instance direct them to take it down (unless the prohibited activity is first spotted by a police officer and no authorised officers from GLA/WCC are available to deal with enforcement). Similarly, if a person erects a tent on the footways, it would be for an authorised enforcement officer of the City Council to direct that individual to stop. The Metropolitan Police Service will support this enforcement role and use any relevant police powers where proportionate and necessary to give effect to that support. In particular, the MPS officers will step in where necessary to keep the peace and ensure that authorised officers do not become victims of crime by reason of operating their enforcement role, including any power of seizure. The MPS officers will also assist in the obtaining and verification of names and addresses where requested by authorised officers. Where any prohibited activity involves a large group of people and is likely to escalate and the group has ignored a reasonable direction from an authorised officer, the MPS will intervene to prevent a breach of the peace.

The effectiveness of the new legal framework in Part 3 depends on a strong collaborative partnership approach between the Metropolitan Police, the GLA and WCC. As an example a constable should not ignore a tent because it is in the central area controlled by the GLA or on the two adjoining pavements controlled by WCC. Similarly, if someone is using amplified noise equipment in the Palace of Westminster controlled area, a constable should take appropriate action. For these measures to work the police, the GLA and WCC will take a joined up approach to enforcement and work collaboratively.

Map of controlled areas



Key to coloured areas

- Yellow - Controlled area of Parliament Square, for which GLA is the responsible authority.
- Red - Controlled area of Parliament Square for which WCC is the responsible authority

- Green - Area covered by Royal Parks and Other Open Spaces Regulations 1997
- Light Purple – Palace of Westminster controlled area, for which WCC is the responsible authority
- Grey - Palace of Westminster controlled area, for which Secretary of State is the responsible authority