

Committee:	Date:
Police Authority Board	23 rd September 2021
Subject: Police, Crime, Sentencing and Courts Bill	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1, 6, 12
Does this proposal require extra revenue and/or capital spending?	No
Report of: Remembrancer Report author: Kiki Hausdorff	For Information

Summary

The Police, Crime, Sentencing and Courts Bill has completed its journey through the House of Commons and has begun consideration in the House of Lords. The Bill makes provision for the protection and wellbeing of police and other emergency workers and grants the police further powers to address crime and disorder, among other wide-ranging provisions. The Bill has encountered controversy directed at its public protest provisions in Part 3, which strengthen police powers to restrict protests and public assembly and which have led to so-called 'Kill the Bill' protests.

Recommendation

Members are asked to note the contents of this report.

Main Report

Parliamentary proceedings

1. The Bill was introduced in the House of Commons on 9 March 2021 and was then "carried over" into the current Parliamentary Session. It completed its journey through the Commons on 5 July 2021 and is scheduled to have its Second Reading in the Lords on 14 September 2021.
2. The Shadow Home Secretary welcomed parts of the Bill but said the Opposition would oppose the Bill due to its public protest provisions under Part 3. There were several unsuccessful attempts to remove this Part from the Bill. Labour also called for the Government to take further action on violence against women and girls and proposed a collection of new clauses on this issue, all of which were unsuccessful.

The Aims of the Bill

3. The stated purposes of the Bill are to:

- a) protect the police and other emergency workers and enhance the wellbeing of police officers and staff;
- b) protect the public by giving the police the tools needed to address crime and disorder, and by addressing the root causes of serious violent crime using multi-agency approaches to prevention;
- c) ensure that the most serious violent and sexual offenders spend time in prison that matches the severity of their crimes, protects victims and gives the public confidence;
- d) address repeat and prolific offenders through robust community sentences which punish and also address offenders' needs; and
- e) modernise the delivery of criminal justice by overhauling existing court processes to provide better services for all court users.

Content of the Bill

- 4. Parts 1, 2 and 3 of the Bill may be of particular interest to the Board.
- 5. Part 1 contains measures better to protect the police and other emergency workers, for example by doubling the maximum penalty for assault on emergency workers from 12 months to two years. Part 1 also places a duty on the Secretary of State to publish an annual report on progress against the delivery of the Police Covenant.
- 6. Part 2 contains measures to prevent, investigate and prosecute crime. This includes a duty on authorities (including local and health authorities and chief officers of police) to collaborate with each other to prevent and reduce serious violence. This part of the Bill also strengthens the courts' sentencing powers in relation to criminal damage to memorials, and makes provision for the extraction of information from digital devices for the purposes of the prevention, detection, investigation or prosecution of crime, safeguarding purposes and the purposes of investigating deaths.
- 7. Part 3 strengthens police powers to address non-violent protests. This includes provisions to extend the powers to place conditions on public processions and assemblies; amend the offence relating to the breaching of conditions placed on a public procession or assembly; replace the common law offence of public nuisance with a new statutory offence; and amend the legal framework designed to prevent disruptive activities in the vicinity of the Palace of Westminster to ensure vehicular access to Parliament.

Public protest provisions

- 8. Part 3 of the Bill:
 - a) Amends the Public Order Act 1986 to broaden the range of circumstances in which the police can impose conditions on protests, including where the noise of the protest causes "intimidation or harassment" or "serious unease, alarm or distress".

- b) Amends the Police Reform and Social Responsibility Act 2011 to expand the 'controlled area' around Parliament where certain protest activities are prohibited. It would also add obstructing access to the parliamentary estate to the activities prohibited in the controlled area.
- c) Abolishes the common law offence of public nuisance and replaces it with the statutory offence of 'intentionally or recklessly causing public nuisance'.

Parliamentary responses to Part 3

- 9. The Opposition tabled unsuccessful amendments at both Committee and Report stage to remove Part 3 from the Bill.
- 10. Shadow Home Office Minister Sarah Jones claimed the Bill's provisions "threaten the fundamental balance between the police and the people." She told the House, "the new measures in the Bill target protesters for being too noisy and causing "serious unease" or "serious annoyance". The vague terminology creates a very low threshold for police-imposed conditions and essentially rules out entirely—potentially—peaceful protest."
- 11. Jones added, "the point of protest is to capture attention. Protests are noisy. Sometimes they are annoying, but they are as fundamental to our democracy as our Parliament." She said the provisions were not the "modest reset" which Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services had called for in its review of how the police manage protests.
- 12. Alistair Carmichael, Liberal Democrat Spokesperson for Home Affairs, said "essentially the objection that many of us have to the proposals is that, first, the Government have got the balance badly wrong, and, secondly, their language in trying to strike that balance is among the vaguest and most imprecise I have ever seen as either a legal practitioner or a parliamentarian."
- 13. He added that regulating the fundamental right to protest in this way risks "pitting the police against the protesters," as it will be for the police to decide what is noisy and causes serious annoyance, and this risked undermining the principle of policing by consent. He argued that the provision "will be ineffective and have a chilling effect" and would not stop organisations like Extinction Rebellion protesting but could stop communities from doing so.
- 14. Shadow Home Secretary Nick Thomas-Symonds felt it was "a great shame that a bill that could have commanded wide support ended up being so divisive". He argued that the bill "showed a warped sense of priorities" and did "more to protect statues" than it did to "protect women".

Government response

- 15. Home Office Minister Victoria Atkins argued that the bill "balances the rights of protestors to demonstrate with the rights of residents to access hospitals, to go to work, to let their children sleep at night". She highlighted that some protests had brought parts of London to a standstill, obstructed ambulances, disrupted the distribution of national newspapers, "prevented hard-working people from getting

to work and drawn thousands of police officers away from the local communities they serve.”

16. The Minister explained that the measures in the Bill had been developed in consultation with the National Police Chiefs Council and the Metropolitan Police Service. In addition, she noted that “it will continue to be the case that the police attach conditions to only a small proportion of protests”, stating that in a three month period, only 12 of 2,500 protests had conditions attached to them.
17. Conservative MP Nickie Aiken said Westminster “experiences 500 protests every year” and argued that “the human rights of protesters are absolutely important but so are those of local people who live just yards from this place.”
18. Home Secretary Priti Patel told the House that the bill “delivers on our promise to the British people to keep them safe” and its provisions were “emphatically on the side of the police and the law-abiding majority of the British people”.

Conclusion

19. As noted above, the Bill will have its Second Reading in the Lords on 14 September 2021. This will be followed by the Committee and Report stages, at which Peers will have the opportunity to table further amendments to the Bill. Debate over the inclusion of the public protest provisions is set to continue and further attempts to remove or amend the controversial clauses are likely.

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