

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

# POLICE, CRIME, SENTENCING AND COURTS BILL

*Ninth Sitting*

*Tuesday 8 June 2021*

*(Morning)*

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CLAUSE 54 under consideration when the Committee adjourned till this day at Two o'clock.

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**Saturday 12 June 2021**

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**The Committee consisted of the following Members:**

*Chairs:* † STEVE McCABE, SIR CHARLES WALKER

- |  |  |
|--|--|
| † Anderson, Lee ( <i>Ashfield</i> ) (Con)  | Higginbotham, Antony ( <i>Burnley</i> ) (Con)  |
| † Atkins, Victoria ( <i>Parliamentary Under-Secretary of State for the Home Department</i> ) | Jones, Sarah ( <i>Croydon Central</i> ) (Lab)  |
| † Baillie, Siobhan ( <i>Stroud</i> ) (Con)   | Levy, Ian ( <i>Blyth Valley</i> ) (Con)  |
| † Champion, Sarah ( <i>Rotherham</i> ) (Lab)   | Philp, Chris ( <i>Parliamentary Under-Secretary of State for the Home Department</i> ) |
| † Charalambous, Bambos ( <i>Enfield, Southgate</i> ) (Lab)                                   | † Pursglove, Tom ( <i>Corby</i> ) (Con)  |
| † Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)                                     | † Wheeler, Mrs Heather ( <i>South Derbyshire</i> ) (Con)                               |
| † Cunningham, Alex ( <i>Stockton North</i> ) (Lab)   | † Williams, Hywel ( <i>Arfon</i> ) (PC)  |
| Dorans, Allan ( <i>Ayr, Carrick and Cumnock</i> ) (SNP)                                      |  |
| † Eagle, Maria ( <i>Garston and Halewood</i> ) (Lab)   | Huw Yardley, Sarah Thatcher, <i>Committee Clerks</i>                                   |
| † Goodwill, Mr Robert ( <i>Scarborough and Whitby</i> ) (Con)                                | † <b>attended the Committee</b>  |

## Public Bill Committee

Tuesday 8 June 2021

(Morning)

[STEVE McCABE *in the Chair*]

### Police, Crime, Sentencing and Courts Bill

9.25 am

**The Chair:** Good morning. Before we begin, let me do the usual preliminary reminders. Please switch your phones and electronic devices to silent. Mr Speaker does not allow tea or coffee in the Committee Room. Members should observe social distancing and sit only in the marked places. Members should wear face coverings when not speaking, unless they are exempt. If you could hand your notes to *Hansard* colleagues, that would be very helpful indeed.

We will now resume line-by-line consideration of the Bill. The selection list for today's sittings is available in the room. I remind Members wishing to press a grouped amendment or new clause to a Division that they should indicate their intention to do so when speaking.

#### Clause 54

IMPOSING CONDITIONS ON PUBLIC PROCESSIONS

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to discuss the following:

Clause 55 stand part.

Clause 56 stand part.

Clause 60 stand part.

**Bambos Charalambous** (Enfield, Southgate) (Lab): Clauses 54 to 60 make up one of the most controversial parts of the Bill. We have seen fierce debates in Parliament and in the media, and protests up and down the country. Beneath the hyped-up culture wars is the very real issue that we will debate again today: what is the balance between our democratic right to protest and the rights of those around us? That is a legitimate question for the Government to ask.

How do we ensure that protests are peaceful? How do we balance the rights of others to go about their daily business? How do we, as parliamentarians, set the framework within which the police can do their jobs? The Opposition believe that the Government's plans do not answer those questions and we reject the attempts to amend the Public Order Act 1986 with this loosely drafted legislation that would restrict democratic rights to peaceful protest.

Clause 54 imposes conditions on public processions, including powers for the Secretary of State to define serious disruption to the life of a community or the activities of an organisation carried out "in the vicinity" of a public procession, as well as powers for the police to impose conditions when they believe that noise might have

"a significant impact on persons in the vicinity"

or may result in  
"serious disruption to the activities of an organisation".

**Alex Cunningham** (Stockton North) (Lab): We probably all have our favourite demonstration from our past. Mine was in the 1970s, when I was a student at Darlington College of Technology. It is lamentable that nowadays students do not spend more time on the streets demonstrating. I remember that day well, because we were going down the streets, shouting, "Heath out! Heath out!" That was the day that Heath resigned. We were very pleased with ourselves—a tremendous result from that demonstration. Does my hon. Friend agree that these restrictions could mean that students will feel even more inhibited about demonstrating in future?

**Bambos Charalambous:** My hon. Friend makes an excellent point. I remember going on the "grants not loans" demonstrations in the late '80s. He clearly had incredible persuasion in the demonstration he went on, resulting in the desired outcome, and I congratulate him on bringing about that change.

**Maria Eagle** (Garston and Halewood) (Lab): I am pleased to hear that one of us at least had an extremely effective demonstration technique. I can recall many people on our side of the debate going on demonstrations and chanting, "Maggie, Maggie, Maggie! Out, out, out!" for years, and she did not move.

**Bambos Charalambous:** Not all demonstrations are successful, but that does not mean that people should not protest.

Clause 55 allows the police to place any necessary condition on a public assembly, as they can do now with a public procession. Clause 56 removes the need for an organiser or participants to have knowingly breached a condition, and it increases the maximum sentences for the offence. Clause 60 imposes conditions on one-person protests. Clauses 54 to 56, and clause 60, would make significant changes to the police powers, contained in the Public Order Act 1986, to respond to protests.

**Mr Robert Goodwill** (Scarborough and Whitby) (Con): The hon. Gentleman mentioned one-person protests. Would he include in that the unacceptable behaviour of Labour's Scarborough Borough Councillor Theresa Norton, who on 1 May sat in the middle of St Nicholas Street in Scarborough and caused widespread disruption to people going about their everyday business?

**Bambos Charalambous:** I am not aware of the situation that the right hon. Gentleman is talking about or the circumstances that brought it about. Clearly, people need to be respectful of the people around them when they protest, and they must do so in a lawful way.

Taken together, clauses 54 to 56 and clause 60 make amendments to the 1986 Act that will significantly expand the types of protest on which the police could impose conditions.

**Lee Anderson** (Ashfield) (Con): Can the hon. Gentleman cast his mind back about 12 or 13 months to the Black Lives Matter demonstrations on Whitehall, when several of his colleagues—Labour MPs—were out there with the rioters? Is that an acceptable level of protest?

**Bambos Charalambous:** Parliamentarians have a long history of protesting with many different organisations, so I encourage those who feel strongly willed to join protests, if they are appropriate. Clearly, such protests need to be within the scope of the law. If they are breaking the law, the protests need to be dealt with. That is why we have the law, and that is why the law is in place. People need to be respectful of the law in all circumstances.

**Sarah Champion (Rotherham) (Lab):** I wonder whether my hon. Friend was as struck as I was when we had the witnesses in front of us and the police said that, actually, they feel that they have enough powers. They might not be used evenly across the country, which is obviously something on which we need more robust guidance. I remember that when I was very young, in '89, I came down from the University of Sheffield to protest against the poll tax. We had big demonstrations here in London, and the police felt completely able to charge us on horses. We were kettled, and it was terrifying. Multiple arrests were made without the due process going through. In my opinion, and in the opinion of the witnesses, the police seem to have the powers. Is he as concerned as I am about where these changes are coming from, what the motivation is, and whether they are actually necessary?

**Bambos Charalambous:** My hon. Friend makes an excellent point. These are operational matters for the police. The police currently have the powers, and they have to be mindful of the impact of their powers on a demonstration and whether they will inflame the situation. Good policing will err on the side of caution on some occasions, but sometimes the police need to deal with a situation that they think will get out of hand. Trying to legislate for what is in the discretion of police officers is wrong, and we should actually trust the police in using their powers of discretion.

The clauses would also widen the types of conditions that the police could place on static protests. The clauses would significantly lower the legal test that must be met for the police to issue conditions on protests. The police would be able to issue conditions on protests where they are noisy enough to cause “intimidation or harassment” or

“serious unease, alarm or distress”

to bystanders. Before using their amended section 12 powers to issue conditions on a protest, the police would have to consider the “likely number of persons” affected by the protest, the “likely duration” of the impact, and the “likely intensity” of the impact. The clauses would also widen the types of conditions that police can issue on static protests to match their powers relating to protest marches. The police would also be able to issue any condition on static protests that they think is necessary

“to prevent...disorder, damage, disruption, impact or intimidation”.

**Alex Cunningham:** Has my hon. Friend had a chance to see the written evidence submitted by Zoe Everett? She describes herself as

“a member and supporter of ACORN for several years.”

In her written evidence, she said:

“Any peaceful assembly of members of the public, be they large-scale political demonstrations and marches, one-person protests, or local campaign actions by community organisations, are likely

to be considered disruptive by those who are the intended object of the protest, be they state actors, private businesses and other organisations, or private individuals.”

The point that she makes in her submission is that these increased powers could drive more and more people directly into the criminal justice system. Does my hon. Friend agree that it would be lamentable if people who simply want to protest about something very close to their heart could find themselves criminalised as a result of this new legislation?

**Bambos Charalambous:** Again, my hon. Friend makes an excellent point. The people who want to impose these conditions are the very people who the protesters are trying to change; they do not like that, which is why they want to impose these conditions upon them. It is a suppression of people’s rights.

**Mr Goodwill:** The protest in Scarborough was all about building a third runway at Heathrow and climate change. The holidaymakers taking advantage of the first opportunity to come to the coast were not people directly responsible for making that decision. Their lives were being disrupted and they were not the people directly responsible for the issue that Councillor Norton was concerned about.

**Bambos Charalambous:** Again, I cannot comment on that individual protest, but the issue of climate change is a very important one; it affects us all, irrespective of where we live. The issue of a third runway may have also been about a wider issue that would have affected everybody, irrespective of where they live. As I say, I cannot comment on that individual protest, but we have to appreciate that certain protests have a wider significance than just the locality where they happen.

**Alex Cunningham:** The right hon. Member for Scarborough and Whitby makes a really interesting point, because people were demonstrating in his constituency and it came to the notice of the local MP, so he has been directly influenced because of the demonstration that took place in his constituency, and he is the decision maker in relation to this particular issue.

**Bambos Charalambous:** Again, my hon. Friend makes an excellent point, and that demonstration is now going to be in the parliamentary record, so I think the person making the demonstration will have achieved her objective.

**Mr Goodwill:** I have to say that the correspondence I received in relation to this protest was not from people sympathetic to it. The correspondence was from people whose lives were being disrupted and who wished that something could have been done more quickly to stop that one person from sitting in the middle of the street, disrupting the whole town centre and affecting people’s jobs and livelihoods in Scarborough.

**Bambos Charalambous:** I accept the point that the right hon. Gentleman is making. However, if the purpose of the protest was to create greater publicity for the issue, then the person making the protest will have achieved her objective. That is not to say that disruption was not caused by the person making the protest.

**Maria Eagle:** I am listening to this exchange with some care. Does my hon. Friend agree that the context of all of this is that there is a fundamental right to freedom of expression and freedom of assembly in this country, which is protected by articles 10 and 11 of the European convention on human rights? It is only lawful to interfere with that where it is necessary and proportionate to do so. And it is within that context, of our having those rights as citizens, that any measures proposed in the Bill should be judged.

**Bambos Charalambous:** My hon. Friend makes an excellent point. These are human rights that have been fundamentally fought for and won. We need to do everything we can to secure them, and they should not be watered down as easily as is being proposed in the Bill.

These powers would also amend the offence of failing to comply with a condition imposed by the police on a protest. It would remove the legal test that requires protesters knowingly to breach a condition to commit an offence. People would commit the amended offence if they disobeyed a condition that they ought to have known was in force. Finally, these powers would allow the police to issue conditions on one-person protests. Currently, protests must involve at least two people in order to engage police powers.

The question we raised about how to ensure that protests are peaceful and how to balance the rights of others to go about their daily business is an important one as the covid crisis eases. We know that the emergency legislation introduced by this place shifted the balance of power away from citizens and towards the state. Organisations such as Liberty, Members across the House, lawyers and others have been concerned throughout that those powers are too great. We gladly handed over those powers, which was the right thing to do, but it is crucial, as we move out of the covid crisis, that we restore those rights with equal enthusiasm.

We need to remember that covid and public health formed the context within which many of the arguments over protests during the past year have occurred. Things have not been as they normally are. Decisions about allowing protests have had an extra layer of complexity, because of the need to protect public health. Decisions have been hampered by the inevitable problems of interpreting exactly what new laws mean, or should mean, in terms of protest. The fact that covid laws did not ban protests has meant that each decision has in part been subjective, putting the police in the firing line for every decision made.

I have heard many times from the police over the past year that they have struggled to be the ones interpreting the law, without the leadership from Government that they needed. The lack of the promised direction from the Home Secretary over the weekend of the Sarah Everard vigil is a stark case in point. The police were seen to be the ones making the political decisions because there was too much ambiguity in the law. That must be a firm lesson for us going forward. It is our job to define the law in a clear way, so that the police are not the ones getting the blame for our law making.

**Sarah Champion:** My hon. Friend has got to the nub of the problem, which was highlighted by a number of the witnesses, as I will come to in my speech. This is

ambiguous and lacks the clarity that the police need. There is no drive from the police that they need this measure, so why is it in the Bill? What is the motivation behind it? I support my hon. Friend in saying that it should not be there.

**Bambos Charalambous:** My hon. Friend makes an excellent point, which I will come to later. The Bill includes many ambiguous clauses that will no doubt cause lots of legal argument in the effort to define what they mean. That puts the police in an impossible situation.

A good starting point for this debate are the Peelian principles expressed by Sir Robert Peel when he set out ethical policing in the early 19th century:

“To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.”

**Alex Cunningham:** I do not know what my hon. Friend’s postbag or email account has been like over recent weeks, but I have been inundated by emails from individuals and organisations asking me to oppose these measures proposed by the Government. Not one person or organisation has contacted me in favour of these measures. He talked of the importance of the police having the approval of the public for what they are doing, but the public do not want this change. Surely the Government do not have the approval of the people for this piece of legislation.

**Bambos Charalambous:** My hon. Friend makes a good point: policing is done primarily by consent. If the consent is not there and the police do not have the approval of the people, it is a recipe for more disorder. That tips the balance—

**Mrs Heather Wheeler** (South Derbyshire) (Con): I wonder where the constituents are coming from for the hon. Member for Stockton North.

I can assure him that in South Derbyshire my mailbag is full of mail from people saying, “Please get on with this. We don’t believe that the police use the police powers that they have already, so we need new police powers to make sure that they have those powers and will use them,” in the sure knowledge that their MP backs the Minister putting this through, but also that I am on the side of my residents.

9.45 am

**Bambos Charalambous:** The hon. Member makes an excellent point, but the point is that the police are the ones making the decision, and they should make the decision, because they are in the firing line. They are the ones who actually have to deal with the situation, and they have to call it as they see it. What they do not need is more legislation from Parliament, because they already have the powers in place. They are the ones who have to decide how those powers are used.

**Maria Eagle:** Does my hon. Friend agree that the police already have significant powers under the Public Order Act 1986 to impose conditions and to prohibit protests, that they have broad discretion as to how those powers are applied and that that can enable individual officers in charge of these matters to use their judgment? Is it not the case that this Bill is seeking to plug gaps that do not appear to exist?

**Bambos Charalambous:** Again, my hon. Friend makes an excellent point. Good policing is done with discretion. What the Bill tries to do is to look at different ways of making the police do certain things that they may not want to do. I think that discretion is a great tool that the police have at their disposal, and they use it very well in what are often very difficult situations.

The Peelian principles are also:

“To seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour, and by ready offering of individual sacrifice in protecting and preserving life. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.”

Every word of the Peelian principles holds true today.

It is our belief that the powers in this Bill threaten the fundamental balance between the police and the people. The most draconian clauses are not actually what the police asked for. We believe that these new broad and vague powers will impede the ability of the police rather than helping them to do their job, that these clauses put way too much power into the hands of the Home Secretary and that the powers threaten our fundamental right to peaceful protest. We know that hundreds of thousands of people are very concerned that their democratic right to protest is threatened by these new provisions on public order.

**Alex Cunningham:** Has my hon. Friend seen the written evidence submitted by Leeds for Europe? It addresses some of the points that he has just outlined. It says:

“The proposals risk making protests ineffective and...curtail fundamental rights of citizens in a democracy, which allow people to express their concerns about the government of the day or other issues that they feel passionately about.”

I am sure that my hon. Friend agrees that for the Home Secretary to have these new extensive powers proves that this objection is well founded.

**Bambos Charalambous:** Again, my hon. Friend makes an excellent point. This measure puts more power in the hands of the Home Secretary. The Home Secretary may

have different views in the future and use the powers in an authoritarian way, which may have a further impact on people’s rights.

**Lee Anderson:** Does the hon. Gentleman agree that the best way to protest is through the ballot box?

**Bambos Charalambous:** That is one way to protest, but elections only come every three or four years. In the intervening period, people have no way to exercise their right to protest via the ballot box and so have other means. The ballot box is also a vote on a whole range of things, while a protest might be for an individual issue not covered by an election.

A few weeks ago, we debated a petition signed by more than 250,000 people. The right to protest is a fundamental freedom and a hard-won democratic tradition that we are deeply proud of. Throughout our history, protests have led to significant changes for the better in this country. Suffragette protests put an end to the discrimination against women in our democracy. Historic trade union protests led to outlawing exploitative employment practices in factories, lifting health and safety standards for workers. Such protests have forced Governments to make the significant changes that we now recognise as fundamental parts of a civilised society.

If the public order provisions in the Bill had been in place when the suffragettes marched for the right to vote, would the women who shouted and screamed noisily for their future have been arrested? Does the Minister think that the marchers for the right to work or those on the anti-apartheid protests should have been stopped for causing annoyance or being too noisy? Do the Government want to stop the children who are shouting loudly for action on climate change or to prevent people across the country from marching to remind people in the establishment that black lives matter?

I support the police 100%; we in the Opposition listen every day to what they tell us. This is a most serious issue, but it is not quite as cut and dried as the Government would have us believe. Her Majesty’s inspectorate of constabulary and fire and rescue services reported on public order measures in its inspection report, “Getting the balance right?” On public order legislation, the inspectorate called for “a modest reset of the scales”.

By any measure, this is not a modest reset.

The support for new powers on public order was qualified support for the five Government proposals the inspectorate was asked to respond to. What Matt Parr’s report actually said was that the vast majority of police forces were happy with the existing legislation. It was mainly the Met that wanted new powers to deal with very specific events—mainly large-scale, peaceful, Extinction Rebellion protests. What the police have asked for, they have not been given.

In the evidence session, Matt Parr said:

“We were very clear in what we said that any reset should be modest. We also said that, because of article 10 and article 11 rights, some degree of disruption is not just an inevitable by-product, it is sometimes the whole point of the exercise of protest, and on that basis, it has to be encouraged.”

He went on to say that the proposal—these clauses—“clearly aims to set a lower bar. Personally, when I reviewed it, I did not think the bar was necessarily the problem. There is just as much of a problem with educating and training the police officers

[*Bambos Charalambous*]

and making sure they understand how article 10 and 11 rights can be properly tempered. It was a question of training and understanding as much as it was of where the bar was for disruption.”—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee*, 18 May 2021; c. 52-53, Q77.]

**Alex Cunningham:** I know this makes me a very old person, but I go back to the 1970s again and police and the exercise of their powers. I was a reporter at a sister paper of *The Northern Echo*, which had a strike that lasted for some 12 months. Eventually, the company managed to start producing a paper. We demonstrated outside every night and attempted to stop them getting the paper out of the building. It was very successful. The police were using existing powers to arrest many people, but there were very few, if any, convictions. Does my hon. Friend share my concern that the new powers here, which we do not really know how the police are going to interpret, could lead to more people being arrested and ending up in the criminal justice system?

**Bambos Charalambous:** My hon. Friend again makes a very good point. The Government clearly have a desire to imprison more people, because they are embarking on a prison-building programme—I do not know whether that is part of the reason why they are introducing these powers. Good policing is using discretion, dealing with each occasion as it arises and policing in a sensitive way. Arresting people should be a last resort, albeit one that the police should use when appropriate.

To quote Matt Parr further:

“I think there are dangers and, as ever, the bar for measuring what was significant or what was serious should be a high one. We all recognise that. It should not be done on the flimsiest of pretexts. Again, it would then be open to challenge, and I think police officers would only wish to use it when they were confident.”—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee*, 18 May 2021; c. 53, Q77.]

Matt Parr made some important points that should serve as a reminder to Ministers of the problems with clauses 54 to 60. He did not want a lower threshold; he wanted more training for police officers so that they can better understand how articles 10 and 11 might be adhered to. However, the clauses widen the legislation significantly. Does that not make the job of the police in enforcing the legislation more complex?

Lochlann Parker, the head of civil liberties at ITN Solicitors, said:

“It is going to be down to police officers to try and determine a highly nebulous idea: what is annoying? Everybody is annoyed when a protest takes over the street, but lowering that [threshold] significantly is creating a situation where, if minded to, there will be very little protest that would be lawfully allowed.”

He continued:

“Police will be asked, as they frequently are by the government and the press, why wasn’t more done to stop this protest which caused disruption and problems”.

He also said:

“The political pressure on the police, and potentially their own inclinations in terms of keeping control and order, is going to come to the fore.”

Bob Broadhurst was gold command for the policing of the 2009 G20 protests and now lectures at the London

Policing College. Apparently, he choked on his coffee when reading the explanatory notes for the Bill. He said:

“They’re saying protestors are now using new tactics—they’re locking themselves in, they’re gluing themselves down, they’re blocking roads. They were doing that 30 years ago.”

He went on to say:

“None of these tactics are new.”

Clifford Stott, a professor of social psychology at Keele University and expert in protest and police behaviour, argues that, although he vehemently disagrees with the proposals,

“under the Human Rights Act, the police will not be able to enforce any elements of the legislation which interfere with Articles 10 and 11 of the European Convention on Human Rights—freedom of expression and freedom of assembly and association.”

**Sarah Champion:** Does my hon. Friend share my concerns that the people who are absolutely set on protesting are going to do it regardless of the legislation, in that getting arrested is almost part of their MO? Does he also share my concern that the Bill will have a chilling effect on people’s right to protest, full stop? Secondly, there will be people who are, in their understanding, at completely lawful protests, and will, without any intention on their part, get caught up when the bar is lowered. A whole group of people who should not be arrested will, as my hon. Friend said, be clogging up the police system.

**Bambos Charalambous:** Again, my hon. Friend makes an excellent point. The lowering of the bar will mean that innocent people will be caught up in something when they have gone to protest about a perfectly valid issue that they are concerned about. They may get caught up in this unwittingly and could end up being criminalised as a result.

**Maria Eagle:** My hon. Friend is being most generous in giving way. Does he agree that this unnecessary criminalisation of dissent, which would happen if the Bill were enacted, goes against the very best traditions of our history and democracy? We have always prided ourselves on enabling people to dissent and on allowing people to express their views in the public space about current laws and things they wish to change. If these provisions were enacted, it would go completely against that tradition.

**Bambos Charalambous:** Again, my hon. Friend makes an excellent point. Many of the rights we have today are hard won and came about through protest. If it were not for those protests, we would not be here today—certainly, there would not be any female MPs if those rights had not been won.

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** Forgive me. I do please want to place on the record the enormous contribution that the suffragists made. Indeed, some would argue that while the suffragettes did powerful work in raising awareness, it was the suffragists who worked with male Members of Parliament to pass the very laws that were needed to enable women to sit in this place.

10 am

**Bambos Charalambous:** I acknowledge the huge contribution that the suffragists made, but the suffragettes brought the campaign to prominence. The words displayed by the statue of Millicent Fawcett in Parliament Square are the words that she delivered in a speech about Emily Davison, who threw herself under the King's horse in 1913, which was another act of protest.

Let me conclude what I was saying about the comments of Clifford Stott, professor of social psychology at Keele University. Professor Stott said:

"If then subsequently this government or a subsequent government scraps the Human Rights Act, then those protections"—that is articles 10 and 11—

"would no longer exist, and the government and police could interfere with those protected rights."

Furthermore, Matt Parr was clear in his recommendations. They are about training and resources, which he asked the Government to ensure were in place for policing.

**Alex Cunningham:** I want to quote again the evidence of Leeds for Europe because there is a real reputational issue here for our country and our Government:

"Such draconian laws seem to align E&W to regimes such as those in Turkey, Hungary and Belarus, rather than those that we were aligned with when part of the EU. The police will have scope to expand their powers against the citizens and to use more active intervention, which might result in more draconian measures... There is a significant risk that the police would be regarded as a hostile agency and individuals seen as enemies of the state rather than people with genuine concerns and causes that they want to promote."

Surely my hon. Friend agrees that we do not want to be seen as a country that oppresses its people in such a way.

**Bambos Charalambous:** I thank my hon. Friend for his comments. Absolutely, we do not want to be a country that is seen to be oppressing its people. Those rights to protest are at first lost gradually, then quickly, so the transition from what is seen to be a democracy to authoritarian state happens very quickly and we need to be wary of that. We cannot go down that path.

**Sarah Champion:** I am grateful that the Foreign Secretary has been very good on protecting the right to protest internationally. It seems somewhat hypocritical that we are reducing the right to protest here while on the international stage we are advocating for it.

**Bambos Charalambous:** Again, my hon. Friend makes an excellent point. We cannot be seen to be criticising other Governments for the way they suppress the right to protest when we are doing the same here. That weakens our global standing and we should not go down that path.

The College of Policing has authorised professional practice, or APP, that contains 30 tactical options to deal with public disorder and protest. It is out of date. It does not include recent relevant case law or information on certain new and emerging tactical options. The college is planning a review. The inspectorate states:

"By 30 June 2022, the College of Policing, through its planned review, should bring the public order authorised professional practice (APP) up to date and make arrangements to keep it current, with more regular revisions as they become necessary. It

would also be beneficial to consolidate the APP, protest operational advice and aide memoire into a single source (or a linked series of documents)."

The inspectorate notes:

"We found that forces do not do enough to share legal opinion or case law on protest policing. And officers and staff rarely use Knowledge Hub's 'Specialist Operational Support—Public Order Public Safety' group... By 31 December 2021, chief constables should make sure that their legal services teams subscribe to the College of Policing Knowledge Hub's Association of Police Lawyers group.

By 31 December 2021, the College of Policing should ensure that all Public Order Public Safety commander and adviser students attending its licensed training are enrolled in the College of Policing Knowledge Hub's Specialist Operational Support—Public Order Public Safety group, before they leave the training event...

In making decisions about how to respond to a protest, public order commanders need to consider domestic human rights legislation. And they must also consider a patchwork of European case law. These have established precedents on issues such as how long protests can reasonably go on for, and the level of disruption that protests can reasonably cause."

The inspectorate stated:

"Examining the gold strategies and silver plans submitted as part of our document review, we found that commanders generally showed a grasp of human rights legislation. However, we did not see evidence that they consistently considered the wider legal picture."

The inspectorate also recommended:

"By 30 June 2022, the National Police Chiefs' Council, working with the College of Policing, should provide additional support to gold commanders to improve the quality of gold strategies for protest policing. This support should include the creation and operation of a quality assurance process; and/or the provision of more focused continuous professional development. The additional support should ensure that gold commanders for protest operations include an appropriate level of detail within their gold strategies. This may include the levels of disruption or disorder above which enforcement action will be considered..."

By 30 June 2022, the National Police Coordination Centre should revise the national post-event learning review form so that it contains a section to report on the policing operation's impact on the community...

Forces usually have good protest-related briefing processes and commanders' decisions generally reach the front line effectively. However, gold strategies often do not set out the limits of acceptable behaviour from the protesters. Better explanations of these limits would help officers to understand what is expected of them and empower them to take appropriate action.

Non-specialist officers receive limited training in protest policing. As a result, they often lack confidence in using police powers. Some officers are anxious about attracting complaints and being filmed in protest situations. It is important that forces provide good-quality training and briefing before deploying officers into these situations.

Forces should make better use of community impact assessments to evaluate the impact of protests on those who live in, work in or visit an area. The process should include regular reviews and updates, so the police can respond to changing circumstances. Only seven of the ten forces we inspected submitted any community impact assessments for examination, and some of those we examined were of a poor standard".

With the covid legislation, we have seen the difficulty that rushing through new police powers can bring for the police. They have managed to do a brilliant job of enforcing the new laws, but they have faced a number of difficult decisions owing to the loose drafting of the law, and they have received criticism where they have got it wrong. The new protest powers will force the police to make political decisions about which protests they deem unlawful. That is extremely concerning and will put the police and the public in a difficult position.

[*Bambos Charalambous*]

Why do the Government want to make the police the gatekeepers for public protests? The Government are choosing to ignore the many peaceful protests that go ahead and are attended by police. The public order measures in the Bill risk putting the police in a trying position more often, and they risk creating more disorder and disruption. The Government should be putting the police in a position whereby the rules are not too confusing or too broad. If they do not do so, that will only create more flashpoints.

It is clear that police support for the Bill is not what the Government are saying it is. The Metropolitan police want more clarity on ways to manage very disruptive protests that go on and on, and to make sure that emergency services can get through roads. That is understandable, but the police want more clarity and certainty, which is what they said in the evidence sessions. These provisions bring the opposite. Instead of a modest reset, we have in front of us clauses that significantly widen police powers on public order.

Clauses 54 to 60 mark a substantial change in the approach to policing protest, which has the potential to be applied disproportionately and could curtail article 10 and article 11 rights that the inspectorate of constabulary is keen to protect. The police already have the powers to break up protests that cause harm, serious public disorder, serious damage to property or serious disruption to the life of a community. Many of the country's best lawyers are telling us that the Public Order Act 1986 and the many other powers on the statute book to police protests are enough.

**Alex Cunningham:** One of the things that troubles me most about the Bill is the stuff in relation to this place—this Parliament of ours, and this democracy—and the fact that people could be prevented from protesting on our doorstep and disrupting our lives. People should have a right to disrupt the lives of MPs and those who work in this place, in order to get their point across. Does my hon. Friend agree that, for all the things that the Government want to do with the Bill, one thing they should not deny the people is the right to protest at the seat of our democracy?

**Bambos Charalambous:** Again, my hon. Friend makes an excellent point. We are the decision makers in this Parliament. We are the ones who make decisions that impact on people's lives, so if we do not hear and are not aware of the protests, how will that change be brought about?

**Mr Goodwill:** Surely the point is that as elected representatives, it is our responsibility to cast our votes in this place on behalf of those people. If a protest outside prevents us from coming here, that is acting against democracy, not in favour of it.

**Bambos Charalambous:** The right hon. Gentleman makes a good point. Yes, we should be allowed to come here. Nobody has prevented MPs from coming to Parliament since the civil war, and that right has existed and will continue to exist. We have the right to be here as elected representatives, and nothing should infringe on that right. That does not mean, however, that people should not be allowed to protest outside Parliament.

We should be able to hear their voices and hear what they have to say. They should be allowed to make that protest.

**Mr Goodwill:** I thank the hon. Gentleman for giving way again. The point I am trying to make is that many of us drive here from distant parts of the country, which was particularly the case during lockdown. If we could not drive through Parliament Square and arrive at this building, we could not do the job on behalf of our constituents. That is tantamount to people blocking a polling station on polling day. I am sure he would condemn that as well.

**Bambos Charalambous:** I use public transport—I am a London MP, so it is easier for me to do that to get here—but clearly MPs should have access to Parliament. I am not disputing that at all because we need to be able to get here to act on behalf of our constituents, but I disagree with what the right hon. Gentleman is saying.

**Maria Eagle:** I understand the point made by the right hon. Member for Scarborough and Whitby. That is a concern, of course. Does my hon. Friend agree that there have been many protests outside here? I have been a Member 24 years and have seen a lot of protests outside Parliament. The vast majority did not in any way at all threaten my ability to get here to vote in Divisions. The issue is proportionality.

Is it right to ban protests because there may have been an occasion when hon. Members were prevented from being able to drive to their place of work because of the way a protest in Parliament Square had been policed? That is an important point. It is about proportionality. We do not ban everything to prevent one instance of an undoubtedly undesirable effect at the far end of the spectrum. Is that not correct?

**Bambos Charalambous:** My hon. Friend is entirely correct. It is a question of proportionality, and we need to make sure that we are allowed to get here as parliamentarians, but also that protesters are allowed to air their views. It is about striking that balance. The legislation goes too far the other way, and does not strike such a balance. It is too much against the right to protest.

The reports by the inspectorate ask for modest changes, but the Government decided to go much further. The Bill targets protesters causing “serious unease”, those being too noisy and those causing serious annoyance. Clause 54 amends section 12 of the Public Order Act 1986 so that police officers can issue conditions on protest marches that generate noise, but may have significant relevant impact on persons “in the vicinity” or that may result in “serious disruption” to the activities of an organisation in the vicinity.

**Sarah Champion:** I do not know whether it was recorded properly, but I do not think we ever got to the bottom of what “serious noise” was. During our evidence session, a drill was going in the next room. I suffer from tinnitus and it was driving me insane. I could not concentrate and I wanted it to stop, but there are examples of protests at which I would be chanting and would think that that was acceptable. Did we ever get to the bottom of what “serious noise” was?

**Bambos Charalambous:** My hon. Friend makes an excellent point. I do not think that we ever did, and that is part of the problem because there will be a disparity in how the Bill is implemented, which will lead to confusion because what one person regards as noise may not be what another person regards as noise. The last thing we want is confusion when protests are being policed.

Under clause 54, noise would have to have a relevant impact, resulting in intimidation, harassment, serious unease, alarm or distress to bystanders. The vague term “serious unease” is a very low threshold for police-imposed conditions.

**Sarah Champion:** Owing to the areas I campaign on, I have had protests against me and that does cause me serious unease—it is horrible. They have led to death threats and all manner of things, but I would not stop people’s right to protest because we all have our rights and I find it incredibly chilling that people’s rights are going to be stopped.

10.15 am

**Bambos Charalambous:** My hon. Friend makes an excellent point. The term “serious unease” is vague. As MPs, we get, as the Minister has said, death threats and abuse, which we should not get, but “serious unease” is a very low threshold.

**Victoria Atkins:** Let me make a genuine effort to help Her Majesty’s official Opposition. They are surely not saying that death threats are an acceptable form of protest. Death threats are terrifying for those who are victims. Indeed, I would say they impede democracy in this country precisely because people worry about the threats to their personal safety. I just want to clarify.

**Sarah Champion:** On a point of order, Mr McCabe. I think the Minister has misinterpreted what I said. I had protests against me that were rallying the crowds, which led to the exact same phraseology that went into death threats. I am saying that that was incredibly chilling and uncomfortable. Of course I wanted it to stop, but I do not try to deny people’s right to protest.

**The Chair:** I think we have clarified the Member’s position.

**Bambos Charalambous:** My understanding is that the clauses will not affect people’s right to picket, but will the Minister provide reassurance that people’s right to picket or attend demonstrations will not be affected? There is also a penalty for someone who breaches a police-imposed condition on a protest when they ought to have known the condition existed. If someone attends a protest and the police have placed conditions on the number of people allowed to attend, how will the attendee know whether they are the 101st person to join a demonstration that has a limit of 100?

**Alex Cunningham:** I want to take my hon. Friend back to the issue of noise. Paragraph 546 of the explanatory notes to the Bill states:

“Where a senior police officer reasonably believes, having had regard to various factors, that the noise generated by a one-person protest may have a relevant impact on persons in its vicinity or may result in serious disruption to the activities of an organisation

which are carried on in the vicinity of the one-person protest, the senior police officer may give directions imposing on the person organising or carrying on the protest such conditions as appear to them necessary to prevent such disruption or impact.”

The Government give us that explanation, but they still do not define what a disruptive noise is. It would be helpful if the Minister told us.

**Bambos Charalambous:** My hon. Friend makes an excellent point. It would be helpful if we had an idea of the definition of “disruptive noise”. If we are to pass the Bill, we should know what we are passing.

There have been problems when the police have not satisfactorily communicated conditions to protesters. Will the Minister provide the Committee with evidence to justify the proposed widening of criminal responsibility in clause 56? The HMICFRS report talked about a slight shift in the legal test on that, but what the Government propose goes way too far. Sir Peter Fahy, former chief constable of Greater Manchester police, said that the legislation includes “some really dodgy definitions” that the police are supposed to make sense of. The point of protest is to capture people’s and the Government’s attention. Sometimes protests are noisy and sometimes annoying, but they are as fundamental to our democracy as Parliament is and as the courts are.

On 6 October last year, I had the pleasure of witnessing an impressive and effective protest outside Parliament, which was organised by the Let Music Live campaign to highlight the plight of freelance musicians who received very little support from the Government during the coronavirus pandemic. The protest involved 400 socially-distanced musicians, all dressed in black, playing 90 seconds, or 20%, of Gustav Holst’s “Mars”. Not only was the demonstration eye-catching, but it used the sound and the loudness of Holst’s piece to convey the message.

The demonstration consisted of 90 seconds of sound building until it came to an abrupt stop. Would such a protest fall foul of clause 54? I fear it might, but who would be qualified to assess whether a 90-second blast of Holst’s “Mars” constituted noise that might have a “significant” or “relevant” impact on “persons in the vicinity”? The phraseology is so vague and devoid of precise meaning that it will be a legal nightmare for the police to determine what the terms “significant”, “relevant” and “impact” mean for the purposes of the Bill.

**Sarah Champion:** I wonder whether the bar would be set at exactly the same level if the music were not classical, but heavy metal. Are we getting into a really subjective area here?

**Bambos Charalambous:** My hon. Friend is absolutely right that this will be very subjective. I used to play rugby, and this is what we would have called a hospital pass. It is going to put the police in an impossible situation, and they will have to make judgments about what constitutes “significant”, “relevant” and “impact.”

**Maria Eagle:** Does my hon. Friend agree that in addition to putting the police in an invidious position, the measure will promote different interpretations across different forces, and possibly within the same force? The officer on duty who has the obligation to make the call may well have a different view from another officer, on another day. What we are promoting here is confusion rather than clarity.

**Bambos Charalambous:** My hon. Friend makes an excellent point. This is going to be subjective. What one person considers noise might not be the same for another person. There may be a different view from different officers in the same force, which will lead to confusion.

**Alex Cunningham:** My hon. Friend makes an interesting point. There is the potential for the Bill to have unintended consequences. In my Stockton-on-Tees constituency, all the churches come together once a year in the parish gardens, although they have not been able to do that in recent times. They have loud music, guitars, drums and all manner of things going on. Backing on to the parish gardens is the Royal Oak pub. Under this legislation, people in the Royal Oak may think that the people demonstrating their faith in the parish gardens are a public nuisance and are getting on their nerves as they enjoy a pint, and they could complain to the police.

**Bambos Charalambous:** I do not know whether that would be captured by the legislation, but if it would be captured, that would be wrong. I mentioned the Let Music Live protest. Even if such a protest were deemed permissible, it would still cause many problems of interpretation for the police, who would have to use the Bill to define whether the protest had “significant” or “relevant impact.”

Aside from music, what about singing? Singing songs and chanting have been a feature of every protest or demonstration that I have ever been on. Would singing be captured by the clause? The hymn “We Shall Overcome” was adopted as an anthem and sung as a protest song. In 1963, the folk singer Joan Baez led 300,000 protestors in song as they sang “We Shall Overcome” at the Lincoln Memorial as part of the civil rights movement march on Washington. Some 300,000 people singing “We Shall Overcome” must have made a fair bit of noise. Imagine a crowd of 300,000 outside the Houses of Parliament singing “We Shall Overcome.” Who would determine whether that constituted noise having a “significant” or “relevant” impact on “persons in the vicinity”?

**Lee Anderson:** There is another chant, “What a load of rubbish,” and that is pretty much what I am hearing today. Does the hon. Gentleman realistically expect that the police could stop 300,000 people singing a song?

**Bambos Charalambous:** I thank the hon. Gentleman for his intervention, and ask, well, why not? Does he not think that is a noise? If it is not a noise, why is that not set out in the legislation? Where is the guidance on it? The legislation is badly worded and wrong, and its vagueness will cause confusion. The hon. Gentleman has demonstrated the point I am making; he says it is a load of rubbish, but in my view that would be captured under the legislation. Are songs and music exempt? Perhaps the Minister will tell us.

Some protests and processions are loud, colourful and joyful. I am sure the Minister is aware of the explosion of colour and sound that is the Pride parade, which takes place in towns and cities across the country. Pride in London is a wonderful event, and the procession is a joy to watch. It is also very noisy. There are drums, whistles, sound systems and cheering crowds; it is quite something. Will the London Pride parade, which passes

down the top part of Whitehall, constitute noise and have a significant and relevant impact on persons in the vicinity? Part of the point of Pride is to be noisy. Could Pride be outlawed for being noisy? If not, why not? Let me put on record my support and solidarity of the LGBT+ community during this Pride month.

Even if the Minister brushes off music, song and noise made by the Pride parade as not constituting noise for the purposes of the Bill, does she concede that noise can be an integral part of protest? Earlier this year, we watched in horror as the military staged a coup against the democratically elected Government of Myanmar. There was outrage among people as the military clamped down on protest and imposed curfews. Faced with the prospect of curfews and armed brutality against street protests, protestors found other ways to make their protest heard. In February, in the city of Yangon, ordinary citizens staged a noisy protest, by banging pots and pans and anything they could lay their hands on from their balconies and homes, to create an almighty din and show civil disobedience and anger against the coup. Those same protestors in the UK, banging their pots and pans, would fall foul of clause 54. Noise is part of protests; whoever drew up the proposals clearly has not thought through the dilemma that the police will face, putting them in an invidious position as they try to enforce these sloppily drafted clauses.

I am surprised that the Government, who pride themselves so much on their libertarian values, are so prescriptive and authoritarian in trying to pass the legislation. The right to protest is a fundamental freedom, as is freedom of speech. The former Prime Minister and Home Secretary, the right hon. Member for Maidenhead (Mrs May), was right when she said on Second Reading that the legislation is concerning and risks going against the right of freedom of speech. On the power of the Home Secretary to make regulations on the meaning of serious disruption to the activities of an organisation or the life of the community, the right hon. Member made another important point, saying:

“It is tempting when Home Secretary to think that giving powers to the Home Secretary is very reasonable, because we all think we are reasonable, but future Home Secretaries may not be so reasonable.”—[*Official Report*, 15 March 2021; Vol. 691, c. 78.]

If there were a peaceful protest outside the Home Office that the Home Secretary did not like, everyone could be criminalised for shouting too loud, so that people working were not disturbed. Does the Minister have a cause that she cares deeply about and may want to protest about? The Home Secretary would have the ultimate say on whether what she was saying was right or wrong. I know that I would not want the Home Secretary to have that power.

Michael Barton, the former chief constable of Durham police, compared the measures in the Bill to those of a paramilitary-style police force, and asked if the Government are

“happy to be linked to the repressive regimes currently flexing their muscles via their police forces?”

I reiterate his question to the Minister, and I hope she will answer it. The very same Home Office that is offering Hong Kongers British national overseas visas to escape the oppressive regime that last week banned the annual vigil to commemorate the Tiananmen Square massacre in 1989 would criminalise those Hong Kongers

for demonstrating loudly outside the Houses of Parliament. Once again, the Government are on the wrong side of the argument; instead, they find themselves on the same side as those who curtail the right to protest and silence the voices of the people.

**Sarah Champion:** The march in Hong Kong that my hon. Friend refers to shut down the city. We, as a country, have been very outspoken about China's action towards those protestors, for criminalising them in such a mass brutal manner. I bring my hon. Friend back to the hypocrisy that we might see should we welcome those protestors with welcome arms while, as he says, criminalising them in this country.

**Bambos Charalambous:** My hon. Friend makes an excellent point. Why do we criticise the regime in Hong Kong when we are going to be imposing limitations on the right to protest here? It just does not make any sense. It does not add up.

10.30 am

I will end by reminding the Minister of the balance achieved by our existing laws on public order between the need for the police to keep order while ensuring that protests are peaceful and the legitimate right to protest about causes that we care about. It would be of great concern if this Government got away with passing laws to protect those in power from protest and public criticism. Labour will always be the party that preserves the right to protest, not because we want to see disorder, but because we believe in the Peelian principle, "The police are the people, and people are the police". These clauses are nothing more than a partisan power grab by the once great party that no longer believes in the right of the people to disagree.

Clause 57 is designed to protect vehicular access to Parliament; it would amend the Police Reform and Social Responsibility Act 2011 to expand the controlled area around Parliament to include Canon Row, Parliament Street, Derby Gate, Parliament Square and part of the Victoria Embankment. The amended area would still be far smaller than the designated area under the Serious Organised Crime and Police Act 2005, and it would add obstructing the passage of a vehicle into and out of the parliamentary estate to prohibited activities in the controlled area, as in section 75. The amendment would ensure that preventing access to the parliamentary estate was prohibited, but would not give the police powers to arrest those who contravene it.

**Sarah Champion:** It is very obvious that this is a contentious topic, and the one that has gained the most media attention for this Bill. I am very grateful to my hon. Friend the Member for Enfield, Southgate for making a very persuasive case. I must challenge my friend the hon. Member for Ashfield because I think his criticism was unjust, but it does highlight that what one person thinks is nonsense can be a very passionate thing for another, and we all deserve the right to protest.

I would like to start by making the argument, again, that the police already have wide powers to impose conditions on both static assemblies and marches, as well as broad discretion in how those powers are applied. Let me quote from the Liberty briefing:

"The cumulative effect of these measures—which target the tools that make protest rights meaningful – constitute an attack on a fundamental building block of our democracy."

Liberty say that the clauses are fundamental block on our democracy. They say that these are draconian measures that impose disproportionate controls on free expression and the right to protest; measures that will have an unfair impact on black, Asian and ethnic minority people.

It is unfortunate that the amendments tabled by Labour have not been selected. I would like to state that Labour is very supportive of the measures that allow access for emergency services, but overall I personally think that the clauses go far too far, and I support my honourable colleagues in wanting to vote against this clause. It should not be in this Bill.

I am interested to hear from the Minister whether she agrees with the witnesses we heard from that the police already have sufficient powers to deal with protests. In the evidence session, Matt Parr said,

"there is quite a stark difference between London, which obviously gets a disproportionately large number of protests, and elsewhere."

He said that senior police officers outside London

"tended to think they had sufficient powers"—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee*, 18 May 2021; c. 53, Q77.]

Again, I would be very interested to hear from the Minister if she thinks that these measures are actually London-centric, and not needed in places like Rotherham—I see the Minister grimace, and I share that—or if they are needed across the country. Furthermore, how will she make sure that police forces across the country handle them at the same level, and will there be training and support to enable them to understand exactly where to apply them?

I ask that because in Rotherham, after the scale of the child abuse in the town became known, the far right would come and basically put the town into lockdown every month. It was incredibly intimidating. It stopped businesses being able to trade and basically drove people off the streets and out of the town centre because they were too scared to go in. We then had a change in the police officer in control of the protests. He swiftly applied different measures on the route they could take—they could not meet in the centre of town—the level of planning and the level of security that the protestors had to put in place, and quickly the protests started to diminish to the point at which they stopped. It was clear to me at that point that the police do have the powers; it is about whether they know about them and have the ability and indeed the resources to enforce them.

Rotherham has a long and proud but also bloody history of protest. I think in particular of the battle of Orgreave, which was a pivotal event in the UK miners' strike and has been described as a brutal example of legalised state violence. That was just one event of many in the mid-1980s that led to the Public Order Act 1986. Why has it taken from 1986 until now for Ministers to feel that we need new legislation? I also raise that because the brutal way in which the police dealt with those protestors has led to mistrust and suspicion towards our police forces and I really do not want to see this legislation, if it goes forward, building on that level of

[Sarah Champion]

mistrust not just in Rotherham but across the country, because once trust is lost it is almost impossible to bring it back.

I turn to some of the key organisations that submitted written evidence or were witnesses and spoke against these measures. Liberty has said that “the Bill drastically limits the right to protest.”

The Good Law Project said:

“The provisions threaten to neuter protests in ways that would render them ineffective—effectively taking away one of the only ways in which people can express their dissatisfaction in a democratic society.”

It went on to say:

“The Bill renders the UK an outlier when it comes to international human rights norms around the right to peaceful assembly.”

I find it really disturbing—not least as Chair of the International Development Committee—that we are stepping away from our international obligations and doing so on the right to protest, which I know the Foreign Secretary is really keen to uphold internationally. The movement we see in the Bill is disturbing.

Rights of Women said:

“The Bill is a further dangerous extension to police powers that exemplifies the rolling back of our human rights and ignores a history of violence against women at the hands of the police.”

A petition entitled “Do not restrict our rights to peaceful protest” in response to the Bill has more than 250,000 signatures. Two hundred and forty-five organisations signed a letter co-ordinated by Liberty and Friends of the Earth to the Government on 15 March, which said that the Government’s proposals were cause for “profound concern”. The organisations highlighted “draconian... police powers” to restrict protest. Organisations who signed the letter include Amnesty International, Greenpeace, the Royal Society for the Protection of Birds, Unite, Rights of Women, Inquest and the Northern Police Monitoring Project.

The Bar Council said:

“There are clear tensions between this section and the freedom of protest and expression (both protected under the European Convention on Human Rights). It gives expansive powers to the police, which encompass the arrest of one individual who is independently protesting. There are legitimate concerns that it would allow the Government to prevent protests with which it does not agree.”

That is one of my biggest concerns. Let us look at former and current Government Ministers who are against the proposals.

**Alex Cunningham:** The written evidence from Leeds for Europe quotes Mr Justice Laws saying that a margin must be given to protests. He also said:

“Rights worth having are unruly things. Demonstrations and protests are liable to be a nuisance. They are liable to be inconvenient and tiresome, or at least perceived as such by others who are out of sympathy with them.”

However, under the new powers in the Bill, if the Home Secretary is out of sympathy with a particular protest or protest group, she could ban them from protesting. Surely that is an affront to our democracy.

**Sarah Champion:** It absolutely is. My hon. Friend lays a very startling future before us. It might not even get to the Home Secretary—it might be an individual

police officer who makes the call, or a chief constable or a police and crime commissioner. That is what concerns me.

By their very nature, protests are designed to be annoying, to be loud, to raise their views. When we look back at our history, where would we be without protest? It is inconceivable. This country has a proud history of protest—however annoying, however much of a nuisance protests are. That is what moves us forward as a democracy. To lose that, or to have it chipped away, is a very disturbing position.

That view is echoed by former and current Government Ministers. On 7 September 2020, the Minister for Crime and Policing, the hon. Member for North West Hampshire (Kit Malthouse), affirmed:

“The right to peaceful protest is a fundamental tool of civic expression”

and promised that protest

“will never be curtailed by the Government.”—[*Official Report*, 7 September 2020; Vol. 679, c. 384.]

What has changed in the intervening nine months?

The former Attorney General, Dominic Grieve QC, said that

“no new laws were required if the police used the substantial powers they already have”.

On Second Reading, the right hon. Member for Maidenhead said:

“I do have some concerns about some of the aspects of the public order provisions in the Bill. I absolutely accept that the police have certain challenges...but freedom of speech is an important right in our democracy, however annoying or uncomfortable that might sometimes be...Protests have to be under the rule of law, but the law has to be proportionate.”—[*Official Report*, 15 March 2021; Vol. 691, c. 78.]

We would all agree that protests have to be under the rule of law, but I think we would disagree on the proportionality.

Also on Second Reading, the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith) said:

“Is the Bill perfect? No, it is by no means perfect. I hope that it will be corrected as it goes through. Will that happen? Certainly. I accept that there are issues around freedom of speech and the right to assemble, and I think that these will be dealt with during the course of the debate.”—[*Official Report*, 15 March 2021; Vol. 691, c. 90.]

I hope that that is true.

Let us turn to the ambiguities in the proposed legislation. Evidence given by witnesses in the Joint Committee on Human Rights session on the proposed police powers showed that the terms

“serious unease, alarm and distress”

are not sufficiently clear for protesters to predict when conditions might be imposed on demonstrations. I reiterate the call from my hon. Friend the Member for Enfield, Southgate: the Minister needs to set out exactly what serious unease, alarm and distress is, as well as what serious noise is. Jules Carey from Bindmans LLP said the terms are

“too vague in law to have any meaningful impact or sensible interpretation. They also create a threshold that is too low.”

The Good Law Project says of the clauses that, “the cumulative effect is likely to be deeply damaging”

because of their ambiguity, and because the police “will have considerable scope to test the limits of their own powers.”

The Bar Council said:

“The present drafting is also vague and will require interpretation by the senior courts before the precise meaning of the law becomes settled. We consider this to be undesirable in legislation which limits fundamental civic rights.”

The Good Law Project, the Bar Council and witnesses from evidence sessions for the Bill Committee and the Joint Committee on Human Rights say the wording is too vague for protesters to interpret. How will the Minister ensure protesters will not get arrested at peaceful protests due to their understanding of current legislation?

In our evidence sessions, Matt Parr, Her Majesty’s inspector of constabulary, said:

“We were very clear in what we said that any reset should be modest.”

We seem to have drifted a long way from modest—most organisations who have given evidence have argued that the changes in this part of the Bill are not modest. He continued:

“We also said that, because of article 10 and article 11 rights, some degree of disruption is not just an inevitable by-product, it is sometimes the whole point of the exercise of protest, and on that basis, it has to be encouraged.”—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee*, 18 May 2021; c. 52, Q77.]

Councillor Caliskan, from the Local Government Association, said:

“In my experience, from having spoken to council leaders from across the country, the best way that peaceful protest is facilitated is planning in advance. That means the community and organisers having a good relationship with the police, and local forces working closely with local authorities.”—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee*, 18 May 2021; c. 60, Q92.]

That is another concern—that these parts of the Bill will undermine the good working relationships and trust, and that will go on to make it even more difficult to organise peaceful protests.

10.45 am

Adam Wagner from Doughty Street Chambers said:

“My concern is that the police and potentially the Government will end up cherry-picking the kinds of protest that they consider to be valuable and the kinds that they consider to be problematic. That will ultimately be a political decision, not one based on public order. Ultimately, it does not matter whether it is a left-wing Government or a right-wing Government—they will have the ability to discriminate against groups that they do not agree with.”—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee*, 18 May 2021; c. 71, Q102.]

Wagner pointed out that these changes are political, and the Government will have the ability to discriminate against groups they do not agree with. Can the Minister explain how that is being countered?

In written evidence, the Association of Chief Executives of Voluntary Organisations, Bond, the National Council for Voluntary Organisations and the Small Charities Coalition said:

“The UK has repeatedly stated its commitment to protecting civic space and open societies internationally. The Foreign, Commonwealth and Development Office (FCDO) identified open societies as a priority in the new strategic framework for overseas development assistance, with a focus on democratic institutions, human rights, free media and effective governance. Crucially, the

Integrated Review states that the UK’s efforts ‘to reverse this decline in global freedoms must start at home, with open societies working together’.”

Does the Minister agree with the integrated review that we must make sure that we maintain an open society?

**Maria Eagle:** I have already made a number of interventions and do not intend to make an extremely long speech. I want to make some points about what I consider to be wholly unnecessary proposed changes to our right to protest in this country. While it is nice and quiet in this Committee Room while we consider the Bill line by line, it is certainly not the case that these proposals have been greeted quietly in any sense of the word outside in the society on which the Bill seeks to impose its new arrangements.

This part of the Bill has attracted extremely, broad, wide and deep condemnation across a number of sectors. It is important to bear that in mind when we consider whether the Bill offers a reasonable balance. There always has to be a balance between the right to protest and our rights as individual members of society in this democracy, and the wider, broader interests of society in getting on with its business. That has always been a balance that the Government of the day in any democracy have to strike. There is no difference between our current Government seeking to strike that balance now and any Government in the past seeking to do that, because there does have to be a balance.

The question is whether or not the proposals in the Bill that are being brought forward by the Minister are necessary and proportionate; whether or not they actually strike that balance; whether or not our existing arrangements, which have been ongoing for some time, are wholly inadequate enough to need altering. I do not think there is any doubt about the fact that the Bill, as proposed, would make it harder to protest. The question, then, is this: if one accepts that there is a need to alter the situation—which I do not—are these proposals proportionate and do they do what is necessary, even from the point of view of the Government?

The first thing that we need to take into account, as I have said, is that there is a broad set of people and civil society organisations—academics, former Home Secretaries, police chiefs and lots of individuals—who have signed petitions to say that this is entirely wrong and an unwarranted interference in our democratic freedoms. The Bill has been condemned by hundreds of civil society organisations and 700 or so legal scholars who urged the Prime Minister to ditch draconian restrictions on the right to protest, as was reported in the *Independent*. Some of those 700 legal scholars might be renowned for being able to interpret the proposed wording of the statute in front of us. To find 700 legal scholars saying that this is draconian and unnecessary is something we should consider and take into account.

Petitions organised by various civil society organisations—my hon. Friend the Member for Rotherham referred to at least one of them—have received more than half a million signatures from fellow citizens, calling for this part of the Bill to be removed. That is significant dissent that should be considered and taken into account. Former Home Secretaries and Prime Ministers have expressed concern from across the political parties, not all of them opponents of the current Government and some from within their own ranks. They have expressed, at the very least, concern about the extent of the proposed measures.

[*Maria Eagle*]

The starting point ought to be our democratic rights as individuals to freedom of expression and assembly, protected at present by articles 10 and 11 of the European convention on human rights. The fundamental provision is the right to say what one wants and protest. Obviously, that is always subject to the law, but the starting point is that those rights should be infringed or curtailed only where necessary and proportionate. The presumption ought to be that we protect those rights. The authorities in a democracy such as ours that signed up to the European convention on human rights should have a positive obligation to facilitate those rights for individual citizens.

We have all come across protests that we do not agree with. Members on the Government side might have come across more protests that they do not agree with than I might have. That does not give us the right to ban them. In fact, it is an essential part of our democracy that we should facilitate such activities, particularly if we do not agree with them.

**Mr Goodwill:** I thank the hon. Lady for giving way. Could she point out where the Bill differentiates between protests we agree with and those we do not agree with?

**Maria Eagle:** I am not saying that the Bill does. I am not looking at any particular Member, but I know the attitude of some Members is somewhat determined by whether they agree with the protest in front of them. I have been inconvenienced by protests I agreed with and protests that I did not; the inconvenience is the same. Because of the democratic nature of our society, we ought to try to protect the right to protest and freedom of expression, and subject them only to necessary and proportionate restrictions. We should not let our individual natural feelings impinge on our views on whether they are proportionate and necessary.

**Mr Goodwill:** The hon. Lady makes some reasonable points, but would she agree that, in the case of some of the Extinction Rebellion protests, people who were possibly sympathetic to their views were turned against them by the disruption and problems caused by people climbing on the roofs of trains or gluing themselves to buildings?

**Maria Eagle:** I do agree with that point. One might then have an argument with the organisers about whether the nature of those protests is appropriate. I still do not think that it is a reason to remove people's fundamental right to protest just because some protests are inconvenient, annoying and noisy.

**Alex Cunningham:** I do not think that the provisions were covered by the European convention on human rights. We have a proud history of demonstrations being effective in this country. May I refer my hon. Friend to the Tolpuddle martyrs? In the 1830s, seven men were arrested for secretly signing up to a trade union, and were eventually transported to Australia. Thousands of people took to the streets across the country, and marched through London demanding that that unlawful conviction be overturned. The seven men who were transported to Australia were eventually pardoned and brought home. Demonstrations bring about change, and we must not interfere with them.

**Maria Eagle:** I agree. I do not accept that we must not interfere at all, but we must interfere in a proportionate and necessary manner. There is always a balance: freedom of expression is not absolute; freedom to protest is not absolute. There is always a grey area. I am trying to be helpful and not just condemn what the Government are seeking to do out of hand, although I disagree fundamentally with the provisions, which go too far.

Clause 54 amends the Public Order Act 1986 to allow the police to impose conditions if they have a reasonable belief that the

“noise generated by persons taking part in the procession may”—

not “will”—

“result in serious disruption to the activities of an organisation which are carried on in the vicinity”

or

“may have a relevant impact on persons in the vicinity”.

The clause confers a power on the Home Secretary to make regulations. There has been some to-ing and fro-ing in Committee about the meaning of

“serious disruption to the activities of an organisation which are carried on in the vicinity”.

We all have views—and there are different views—about what “a relevant impact” is, and what “serious disruption” amounts to.

We may have a subjectively different understanding of what noise is. My hon. Friend the Member for Rotherham revealed that she has tinnitus, and noise for her is different from noise for me. That is almost certainly the case for all of us, so inherently noise is a subjective issue, which makes it difficult for those charged with these decisions to make them in a coherent, objective—they cannot be objective if they are subjective—and sensible way that means that these laws will not fall immediately into disrepute for being contrary and different when interpreted by different people in different places. Having utterly subjective interpretations that can lead to something as serious as the banning of a demonstration or an arrest or conviction for an offence, when all that the person was seeking to do was protest, which is a democratic right in a fundamentally democratic society, can cause all kinds of difficulties.

That is why I am concerned about some of the provisions. My hon. Friend the Member for Enfield, Southgate has made the point that the provisions tend to lower the threshold at which some kind of action is likely to be taken by the officer in charge of policing the demonstration. That can drag into criminality what was merely righteous anger or proper dissent in a democracy. That is dangerous too.

The power to regulate protests simply because they generate noise presents an existential threat to the right to protest. When it applies even to a single-person protest, it appears to be an attempt to snuff out protest or to enable the police to have the powers to snuff out a protest, even if it is protest by only one person. The police already have powers to impose conditions on protests and to divert, stop or ban protests. I am not arguing that that is wrong. Over time, it has proven to work quite well. We can all come up with instances where the police went too far or did not go far enough and things went wrong, but that is the messy business of living in a democracy, the advantages of which much outweigh the disadvantages. In that sense, I do not mind the grey area.

11 am

I think there will always be a grey area. At the moment, the police have the power to divert a protest, or to state where it ought to be held or the maximum number of people who can attend. We are now moving to a position where the police can impose any conditions that appear necessary on protests or on static assemblies where people are not even moving. The provisions in the Bill constitute a significant expansion of police powers, which will, in practice, strike at the very heart of a fundamental right that we all have in a democracy: the right to protest.

For that reason, I am seriously concerned about whether these provisions are appropriate. Indeed, I do not think they are. When the Minister responds, I will be interested to hear from her why the Government believe that such draconian changes are needed. It is not only me calling them draconian, but 700 legal academics. The changes are significant and will constitute a serious cutback in people's democratic right to be able to protest. It is not clear to me why the Government have decided that now is the time for such a serious crackdown.

I do not intend to detain the Committee for any longer in respect of these provisions, although I could. I remain to be convinced about them, to say the least, and I have not yet heard anything from the Government on Second Reading or in the Committee's proceedings on the Bill thus far to justify such huge, significant, serious changes to the law, which, to my mind, has been working relatively well in the messy grey area that is always needed in a democracy between the wider rights of society and the rights of individuals living within it to protest.

**Victoria Atkins:** It is, as always, a pleasure to serve under your chairmanship, Mr McCabe. It is a pleasure to appear opposite the hon. Member for Enfield, Southgate. He did a fine job in the temporary absence of the hon. Member for Croydon Central.

I welcome this debate because it is only in a Public Bill Committee that we get the chance to scrutinise a piece of legislation line by line, word by word, as has been amply demonstrated this morning. Second Reading is important, of course, but it simply does not provide the time for this sort of back and forth about the Government's intentions behind each line of legislation, and indeed the intended consequences, so I genuinely welcome this approach.

I also very much welcome the constructive views that have been put forward by Opposition Members in relation to this part of the Bill, because it goes without saying, of course, that it is our job as a Public Bill Committee to do this. It also demonstrates the important role that this place plays in scrutinising legislation and holding the Executive to account.

I note that there are some misunderstandings about what the Bill entails, and I very much welcome the opportunity to correct some of those, in a way that I hope and expect will reassure Committee members. Hon. Members have made very fair points about the right to peaceful protest being part of living in a democracy, and part of the social contract between the state and citizens. As part of that social contract, there are constraints both on citizens—we are expected, as members of this society, to observe and abide by the rule of law—and on the state.

That is why, for example, we have this process in Parliament, and not just in relation to this piece of legislation; it is for every single piece of legislation introduced by any Government of any colour. We have measures such as the European convention on human rights, an incredibly important document whose influence runs throughout this part of the Bill and other relevant parts. I say this because I very much want to approach this discussion with a constructive tone, to try to clear up some of the misunderstandings that have emerged about what the Bill encompasses.

I have enjoyed hearing some of the recollections of hon. Members about attending protests, particularly that of the hon. Member for Stockton, North, who I think is claiming credit for a Prime Minister standing down because he went out protesting—perhaps I am being mischievous. In a mischievous tone, I also note that nobody has yet mentioned the Iraq protests and how those massive protests did not change the course set by the Government who were then in power.

The first misunderstanding that I want to clear up—first and foremost—is that this Bill is not about banning peaceful protest, and nor can the measures within it enable the police, or indeed the Home Secretary, to ban peaceful protest. Nothing in the Bill does that. I state that clearly and proudly on the record, so that people listening to this debate from outside this Committee Room understand that that is simply not the case. That is a misunderstanding and I am very keen to clarify it.

**Siobhan Baillie (Stroud) (Con):** We have probably all received emails suggesting that the Bill will ban protest. Indeed, we have not just seen emails but violence, and protests that have led to violence and attacks on the police. I think that it is incumbent on all of us to ensure that we use language in such a way that, while we are challenging the provisions of the Bill and talking about churches and noises and having all those debates, we make it absolutely clear that we are not stopping protests with this legislation.

**Victoria Atkins:** My hon. Friend makes a very important point. There is a responsibility on all of us in the language we use. I know that in the heat of debate and the joy of advocacy, one can sometimes get a little bit carried away. But I am really keen that in this Committee we understand that the Bill is not about banning peaceful protest, particularly because of the unrest that we have seen in some parts of the country, which I will come on to in a moment.

Another perhaps colourful piece of advocacy that seems to have crept into the debate this morning is that the Bill is somehow about imprisoning more people. That is simply not correct. Indeed, anyone making such allegations should be mindful of the fact that, of course, as with any other criminal offence, the standard and burden of proof remains the same: namely, that it is for the Crown to prove the case beyond reasonable doubt. Those fundamentals of our criminal justice system remain throughout this process.

**Maria Eagle:** I am not saying that clause 56 will send more people to prison, but the Minister will accept that it increases the maximum penalties.

**Victoria Atkins:** It does. I will come to that, if I may, but there is a difference between increasing the maximum and doing this, as some have claimed—I accept that it is in the heat of debate—in order to put more people in prison. That is not the intention.

**Alex Cunningham:** But the Minister will accept that the provisions in the Bill will criminalise more people who participate in protests.

**Victoria Atkins:** Again—forgive me; I am tackling this as if I were prosecuting. The hon. Gentleman is making several leaps of assumptions before he arrives at that destination. I will go through the clause in great detail and lead him through it so that he understands the checks and balances in the legislation. There is an extraordinary leap in his assertion, which I hope to answer in due course.

Peaceful protest is absolutely fundamental to a free society. The right to peaceful protest will not be, and will never be, in question by this Government. The measures in part 3 of the Bill will not suppress the right to protest. To refer again to the European convention on human rights, the Lord Chancellor—as any Secretary of State must—has signed a statement to the effect that, in his view, all the provisions in the Bill are compatible with the rights under the convention. The Bill is about updating the Public Order Act 1986, which is some 35 years old, by enabling the police to impose conditions in careful sets of circumstances as set out in the Bill, which we are scrutinising.

We all stand up and share the value of free speech and freedom of assembly. However, under articles 10 and 11 of the convention, those are not absolute rights, as the hon. Member for Garston and Halewood fairly agreed. There is a balancing act between the rights and freedoms of protestors and of those who are not joining in the protest. We know, sadly, that in recent years some of the tactics used in the course of protests have chipped away at that balance. For example, some protestors delayed an ambulance reaching an A&E ward, putting lives at risk. Some protestors disrupted the transport system during rush hour, delaying hundreds of hard-working people.

Interestingly—this is where we see the real tension between competing rights—some protestors have blockaded printing presses, thereby disrupting the freedom of the press, which I am sure we all acknowledge is a fundamental right. We have been talking about protests with which we may not agree, and I am sure we are all familiar with newspaper articles or depictions in the media with which we may not agree, but it is the right of the free media in our country to report in accordance with that freedom and independence. In fairness to the Opposition, I know that they agree with that, because in the wake of the blockade of printing presses last year, the Leader of the Opposition said:

“The tactics and action of Extinction Rebellion, particularly blockading newspapers, was just wrong in my view and counterproductive.”

As the hon. Member for Garston and Halewood eloquently described, there is this grey, messy area in which we try to address that balance of competing rights between protestors and people who are not joining in the protests but may be affected by them. We know, however, sadly, that not every protest is peaceful. I would like to take a moment to reflect on the danger in which police officers can find themselves when they are policing a protest that goes wrong.

In recent months, we have seen protests outside London. The hon. Member for Rotherham rightly challenged me about this being London-centric, and a smile came to

my lips because I was thinking, “We can never assume that the sorts of protests we see in central London will not happen elsewhere in the country.” Indeed, the great city of Bristol has in recent months seen for itself, through the so-called “Kill the Bill” protests, which apparently aim to bring this piece of legislation to a halt, the impact that protest can have on police officers, who are trying to do their job in balancing the rights of protestors and safeguarding the social contract to which I have referred.

11.15 am

One of the reports I have read states that 46 police officers were injured in the “Kill the Bill” protests. That included paint being sprayed into their eyes, or officers being dragged into the crowd and beaten. I am sure that no one in this Committee Room agrees with those violent tactics used by the “Kill the Bill” protestors. We are right to bear in mind the enormous pressures that police officers are under when it comes to policing some of these very large-scale protests.

**Sarah Champion:** Would those actions not already be criminal activity under existing legislation?

**Victoria Atkins:** They would. The hon. Lady may remember that I questioned Mr Wagner about his interpretation of the Public Order Act. We acknowledge, and I think the police have said, how dynamic a public protest can be; it changes very quickly and they have to make decisions very quickly, on the ground. I asked Mr Wagner, because I was slightly concerned about some of the evidence he had given earlier:

“Do you accept that the Public Order Act 1986 is a piece of legislation that has stood the test of time and should remain in law?”

He said:

“I think I would be neutral on that. It is a very wide piece of legislation. Every time I read it, I am pretty surprised at how wide it is already. What I am pretty clear about is that section 12 does not need to be widened.”—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee*, 18 May 2021; c. 76, Q109.]

Then I asked whether that meant the Public Order Act went too far for his liking. He replied:

“Well, potentially. The proof is often in the pudding. It depends on how the police use it and whether they are using it effectively.”—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee*, 18 May 2021; c. 76, Q110.]

I agree wholeheartedly with his summation that it is about how the police employ the powers, but we need to just have in mind the range of views that have been expressed by witnesses giving evidence to the Bill Committee, whether in writing or orally. It would appear that there are some for whom the current legislation goes too far, yet we hear of instances such as the “Kill the Bill” protests where very significant harm has been done to police officers. Hon. Members will be able to draw on their own memories of other protests that have resulted in police officers being very badly injured and hurt by the protests of a minority. It shows, again, the need for a balance.

**Maria Eagle:** Is what the Minister says not an argument for banning all protest? It is not at all clear, at the beginning of a protest, which protests are going to go wrong in that way. She said herself that things can change very quickly. It cannot be predicted.

**Victoria Atkins:** The hon. Lady has summarised the very great responsibilities borne by senior officers in charge of protests. Of course protest should not be banned—I said at the beginning that that is not what the Bill is about—but the point does show the very fine judgments that senior police officers have to make in the moment of the protest. Where there are organisers, they will have been able to have discussions beforehand, but where protests spring up on social media and it is not clear who the organisers are, police officers are having to make decisions on the ground very quickly.

I am asked what has changed in the 35 years since the Public Order Act came into force. The role of social media in getting the message out, and protests being organised at very short notice, means that it can be difficult for police officers to identify to whom they should be speaking when it comes to how these protests or gatherings are policed and managed.

The hon. Member for Enfield, Southgate mentioned Pride. I would not call Pride a protest, although it may have had its roots in protest. I hope we now see it as a glorious celebration enjoyed, from the photographs I have seen in newspapers, by the police as much as by other people in attendance. That is an example of a gathering where the organisers are very clear, and they work extremely well with the police to ensure that the procession, the celebration, is enjoyed by all and is safe for all.

**Sarah Champion:** First, people all around the world are being murdered for being gay, so there is the element of protest. Secondly, can the Minister confirm that the measures she is putting in the Bill would address the fire-starting protests that come up? If that is the nub of what she is trying to address, it seems to me that the clauses go a lot further than that.

**Victoria Atkins:** That is one of the things addressed by the Bill's clauses. If I may, I will go methodically through the examination of the clauses.

There is a reason why we are trying to draw consistency between processions and assemblies. In 1986, the distinction between the two might have been very clear, but we heard evidence from the police that nowadays a protest can become an assembly and an assembly can become a protest. They change, so we are trying to bring consistency between the two forms of gathering, irrespective of the mobility of the participants, so that we have clarity of law as to what applies to participants when they gather together.

At this stage in my submission, I am going to introduce some context. Again, the misunderstanding might have arisen that the measures will apply to every single

protest that ever takes place, which is not the case. In his oral evidence to the Joint Committee on Human Rights on 28 April this year, Chief Constable Harrington said that between 21 January and 21 April this year, more than 2,500 protests were reported to the National Police Chiefs' Council, and of those 2,500 protests, conditions were imposed on 12.

As I develop my argument and talk about these powers being used very carefully by the police, and about the checks and balances within the legislation, I point to how rarely the conditions are imposed in the range of protests that go ahead. Indeed, my right hon. Friend the Member for Scarborough and Whitby might have wished that conditions were imposed in other protests, but we foresee the legislation being deployed rarely and very carefully.

**Maria Eagle:** Does the Minister believe that, were the provision to be enacted and the thresholds reduced, as some of us have argued, more protests would have conditions imposed? Does she have a view on how many more or fewer protests would have conditions imposed?

**Victoria Atkins:** Again, this comes to the checks and balances in the clauses that I will go through in detail. It will be for the officer to make decisions, either on the ground or ahead of the procession, but there have been instances where the police do not have the confidence under the current legislation to impose conditions in relation to noise specifically. When one hears about the problems that residents and others in the vicinity of the noise experience, one can see why they would wish that conditions were imposed. As I say, I will go into more detail in a moment.

To set the context, the recent report on the policing of protests, produced by Her Majesty's inspectorate of constabulary and fire and rescue services, found that the balance between protesters' rights and the rights of local residents and businesses, and those who hold opposing views, leans in favour of the protesters and that a modest reset of the scales is needed. Again, this is the messy, grey area that the hon. Member for Garston and Halewood referred to. As with all existing public order legislation, we are making use of the new powers. The police will continue to be required to demonstrate that their use is necessary and proportionate and compliant with the Human Rights Act.

11.25 am

*The Chair adjourned the Committee without Question put (Standing Order No. 88).*

*Adjourned till this day at Two o'clock.*

