

Stockport Metropolitan Borough Council (Vaccination Centres)

Public Spaces Protection Order 2023

The Anti-social Behaviour, Crime and Policing Act 2014

Stockport Metropolitan Borough Council in the exercise of its powers under section 59A of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes the following Order.

This Order is made on the 22nd day of May 2023 and shall have effect for a period of 3 years thereafter, unless discharged, varied or extended under the Council's statutory powers.

General provisions

The Council is satisfied on reasonable grounds that activities carried on as part of a protest or demonstration in the vicinity of a Site in the Restricted Area:

- have had, or are likely to have, the effect of:
 - harassing or intimidating members of staff or volunteers at the Site;
 - harassing or intimidating persons using the services of the Site;
 - impeding the provision of services by staff or volunteers at the Site; or
 - impeding access by persons seeking to use the services of the Site and
- that the effect, or likely effect, of those activities:
 - is, or is likely to be, of a persistent and continuing nature;
 - is, or is likely to be, such as to make those activities unreasonable; and
 - justifies the restrictions and prohibitions imposed by this Order

The activities that have taken place include protests and demonstrations against Coronavirus (Covid-19) vaccinations at vaccination clinics; demonstrators banging on windows and shouting whilst vaccinations are being administered; entering the vaccination clinic and shouting "murderers" to staff members, accusing them of genocide and following staff members out of the clinic shouting "child murderer"; threats to staff members; people attending to be vaccinated being approached by protesters and demonstrators causing them to feel harassed and intimidated and at least one person leaving without having their vaccination that day.

The Council is satisfied that the prohibitions and restrictions imposed by this Order are reasonable to impose in order to prevent the effects of the activities from continuing, occurring or recurring, or to reduce those effects or to reduce the risk of its continuance, occurrence or recurrence.

The imposition of an Expedited Public Spaces Protection Order (E-PSPO) since November 2022 resulted in a reduction of the behaviour and activities described but as that E-PSPO can only last a maximum of 6 months, it was considered that in order to continue to prevent the effects of the activities from continuing, occurring or recurring, or to reduce those effects or to reduce the risk of its continuance, occurrence or recurrence, that a full PSPO should be made.

The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that any restrictions on such rights and freedoms imposed by the Order are lawful, necessary and proportionate.

This Order applies to all public places within the vicinity of a Site in the Restricted Area whilst that Site is Operational.

This order is available for inspection on the Council's website.

Definitions

"Operational" means all times that the Site is open and accessible to staff or volunteers.

"Restricted Area" means all public places in the borough of Stockport.

"Site" means a site in the Restricted Area where, or from which vaccines are provided to members of the public by, or pursuant to arrangements with, an NHS body, including arrangements made by the NHS body in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006.

Prohibitions

1. No person shall in a public place in the Restricted Area, in the vicinity of an Operational Site:
 - a. interfere, or attempt to interfere, in anyway, with a staff member, volunteer or service user of the Site;
 - b. intimidate, impede or harass, or attempt to intimidate, impede or harass, a staff member, volunteer or service user of the Site;
 - c. shout, use amplification equipment to convey messages or play any recorded messages relating to the disapproval of issues related to Covid-19 vaccinations; or
 - d. display or distribute any signage, text or images relating directly or indirectly to the disapproval of Covid-19 vaccinations.

Requirements

- 2. A person in a public place in the Restricted Area, in the vicinity of an Operational Site who an Authorised Person or Constable reasonably suspects of breaching any of the prohibitions or requirements in this Order shall, upon valid request of an Authorised Person or Constable, leave the vicinity of the Operational Site for the duration of the clinic as specified in writing by that Authorised Person or Constable and not return to the vicinity of that Operational Site within 24 hours.
- 3. A person in a public place in the Restricted Area, in the vicinity of an Operational Site shall, upon valid request of an Authorised Person or Constable, remove from display any signage, text, or images relating directly or indirectly to the disapproval of Covid-19 vaccinations. Such signage, text or images shall not be displayed again whilst the Site is Operational, as specified in writing by the Authorised Person or Constable.
- 4. A person in a public place in the restricted Area, in the vicinity of an Operational Site who an Authorised Person or Constable reasonably suspects of breaching any of the prohibitions or requirements in this Order shall, upon request of that Authorised Person or Constable provide their name, address and date of birth to that Authorised Person or Constable.

A requirement under Articles 2, 3 and 4 is not valid if the Authorised Person or Constable is asked by the person subject to the requirement to show evidence of their authorisation and they fail to do so.

THE COMMON SEAL of THE METROPOLITAN BOROUGH COUNCIL OF STOCKPORT was hereunto affixed in the presence of:-



.....*V Bates*.....

Signed

.....*VICTORIA BATES*.....

Name

Head of Legal & Democratic Governance/ Designated Authorised Signatory (legal officer)

M. Dodds

Signed

MICHELLE DODDS

Name

Authorised Signatory (legal officer)

Dated this 22nd day of May 2023

What happens if you fail to comply with this order?

Criminal offence

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

Penalty

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 3 (£1000) on the standard scale.

Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When an application is made, the High Court can decide to suspend the operation of the order pending the court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.