

Open letter to MPs regarding Part 3 of the Policing Bill and the impact on environmental protest

Commons consideration of Lords amendments to Part 3 of the Police, Crime, Sentencing and Courts Bill, 28th February 2022

Dear MP

We are writing to express our deep concern at the measures contained in Part 3 of the Police, Crime, Sentencing and Courts Bill (PCSC Bill) to restrict non-violent protest, and to urge you to support Lords amendments which remove the power of the police to restrict protests due to noise, impose greater conditions on static assemblies and restrict one-person protests.

Non-violent protest has been an integral part of the environment and conservation movement since its beginning. From the mass trespasses of the 1930s which played an important role in the establishment of our national parks, to the school strikes of 2019 paving the way for the Government's current climate target.

Across our counties, towns, villages and cities, people from all walks of life are taking part in local protests to call for global climate action, protect precious green and blue spaces, improve air quality and to oppose unsustainable or polluting developments. Whilst these often make only local or regional headlines, they have been instrumental in preserving our countryside and habitats, and enhancing our standard of living, natural environment and wellbeing.

History has shown that protest is vital to ensure change happens at the scale and speed required. Without citizens able to hold decision makers to account, strong policies to address the climate and nature emergencies are less likely to be forthcoming and targets more likely to be missed. We saw and heard this clearly during the COP26 climate negotiations in Glasgow.

The Bill currently introduces disproportionate sentences for peaceful protest and allows someone to be convicted for breaching a police condition placed on a protest even if they didn't know it existed – they merely ought to have known.

We welcome the outcome of votes in the House of Lords that saw Peers from all parties remove some of the most draconian provisions in the Bill, including those that give the police powers to restrict protests due to their noise level, and to increase the restrictions on static assemblies and one-person protests. They also allowed some provision for protest on the streets around Parliament. It is important these improvements are retained by MPs when the Bill returns to the Commons and we urge you to support them.

Giving the police power to restrict protests based on noise could unreasonably suppress many non-violent assemblies and marches, and have a chilling effect on free speech. This has nothing to do with the sort of "highly disruptive" protest ministers have repeatedly pointed to, and the police already have the powers against intimidation and harassment.

The new power would be open to abuse and confusion, with the targets of protests claiming that noise levels cause "serious unease" to encourage the police to act against protests they find inconvenient or embarrassing. Protesters and the police both face an impossible task in judging the subjective impact of noise to determine whether it might breach the threshold, with protesters being arrested and dragged through the legal system to establish whether

the law had been applied disproportionately. The Parliamentary Joint Committee on Human Rights has called for this measure to be removed from the Bill, stating it was “not necessary in a democratic society”.

Assertions by Government that the right to protest is protected by the Bill do not stand up to scrutiny. The Equalities and Human Rights Commission, the Joint Committee on Human Rights, the former Chief Constables of Manchester and Durham, three UN Special Rapporteurs and two former Home Secretaries have all voiced concerns about the measures in the Bill. Over 350 civil society organisations oppose the measures, and over 800,000 members of the public have signed petitions.

Defending these freedoms and liberties is an essential part of ensuring our environment is protected and enhanced, and our international commitments adhered to. Like our most precious habitats, once damaged they are difficult to recover.

To mitigate the worst effects of Part 3 of the PCSC Bill, we urge MPs to agree the following amendments:

Lords' Amendment 73 which would remove the ability of the police to impose noise-based restrictions on public processions

Lords' Amendment 80 which would remove the ability of the police to impose greater conditions on static demonstrations

Lords' Amendment 87 which would remove the ability of the police to impose conditions on one-person protests

Yours sincerely

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Conservation Director, Wildfowl & Wetlands Trust

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