# Police, Crime, Sentencing and Courts Bill

Quaker briefing for Peers at Committee Stage, October 2021

## About us

Quakers in Britain are a faith community committed to peace, equality, truth, simplicity and sustainability. Our national church and charity works for and on behalf of Quakers across England, Scotland and Wales. You can find out more about our work at [www.quaker.org.uk](http://www.quaker.org.uk).

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## Our asks

* Support the amendments we set out in this briefing.
* Raise our concerns during debates and in conversations with other parliamentarians and ministers.
* Use the case study at the end of this briefing as an example of faith-led protest that could be prevented by this bill.

## Overview of our concerns

Quakers in Britain object to bill for three main reasons:

* It strikes at the heart of our human right to freedom of assembly. Quakers put their faith into action by trying to bring about positive change through nonviolent means. Protest is one of the ways in which we do this.
* It will have a disproportionately negative effect on groups who are already marginalised in our society, including Black people and Gypsy, Roma and Traveller communities.
* It increases the punitive nature of our policing and criminal justice system by increasing fines, prison sentences and ‘stop and search’. We do not believe this makes for a safer or happier society.

Our briefing focuses on Part 3 and Part 4. We encourage Peers to read the briefings by Liberty and many others on [Part 2](https://www.libertyhumanrights.org.uk/wp-content/uploads/2021/10/Joint-briefing-on-the-serious-violence-duty-PCSC-Bill-Liberty-Stopwatch-Unjust-AYJ-Justice-Amnesty-BBW-Defenddigitalme-Medact-Fair-Trials.pdf) and [Part 10](https://www.libertyhumanrights.org.uk/wp-content/uploads/2021/10/Joint-briefing-on-Serious-Violence-Reduction-Orders-PCSC-Bill-Liberty-Stopwatch-Unjust-CJA-Justice-Amnesty-BBW-Defenddigitalme-Fair-Trials.pdf).

## Part 3 (public order)

We ask you to support the amendments in the name of Lords Paddick and Rosser to oppose that clauses 55-61 stand part of the Bill.

If you do not feel able to support these amendments, we ask you to support amendments in all or any of the following areas:

## Noise

Lords Rosser and Dubs have tabled numerous amendments (294, 295, 299, 300, 303, 305, and 306) designed to address the issue of noise in relation to protests. These are all based on a Joint Committee on Human Rights (JCHR) recommendation. Protests, being made up of crowds, are almost inevitably noisy events. The Bill as drafted allows police officers at the scene to impose or change conditions relating to noise, which opens the door to confusion. The wrongness of imposing restrictive noise conditions on protests is made obvious by comparing protest to commercial activities, where noise is allowed at a high volume for a specific number of hours.

## Knowledge

On Clause 57, Lord Dubs and Baronesses Jones, D’Souza and Ludford have tabled a suggestion made by the JCHR, which is that a person at a protest needs to actually know (or have deliberately or recklessly have avoided knowing) that certain conditions have been imposed. This avoids individuals being caught up in criminal liability for something which a police officer subjectively considers they “ought to know”. Variations on this appear as amendments 309, 310, and 312.

## Sentences

Clause 57 also increases the sentence which can be given for breaking these conditions. Lord Dubs has tabled two amendments (311 and 313) which remove the increased sentences. Both these amendments were recommended by the JCHR.

## Delegated powers

At Second Reading there was a lot of concern around the ability of the Secretary of State to make regulations defining “serious disruption to the activities of an organisation” and “serious disruption to the life of the community”. Three amendments (298, 308 and 319) to tackle this have been tabled by Lords Beith and Judge. Both are recommendations of the Delegated Powers and Regulatory Reform Committee, which is chaired by Lord Blencathra.

## Authority

Lord Paddick has tabled amendments (296 and 318) requiring the police officer making changes to conditions to be at inspector level or above, and requiring oversight from the High Court on some conditions. We support these as they reduce the possibility for sudden changes to conditions on the day of the protest.

**Public nuisance and unease**

Lords Beith, Dubs and Paddick have all put down amendments (297, 307, 314 and 316) exploring what public nuisance and unease mean, since these are ill-defined in the legislation as it stands.

# Part 4

We ask you to support the amendments to oppose that clauses 62-64 stand part of the Bill. If you do not feel able to support these amendments, we ask you to support amendments in all or any of the following areas:

**Site provision**

The first of two amendments (number 149) tabled by Baroness Whitaker, Lord Alton, Lord Bourne and the Lord Bishop of Manchester places a duty of responsibility on the local authority to provide suitable sites, as lack of suitable stopping places is a significant problem. Baroness Whitaker is the chair of the APPG for Gypsies, Roma, and Travellers, and has worked with these communities. These are cross-party amendments based on recommendations from the JCHR.

**Requests to leave**

The second amendment tabled by this cross-party group of Peers (number 133) ensures that only a police constable can ask someone to leave, rather than a member of the public such as the landowner. This amendment removes the provision that a person could be criminalised for disobeying the instruction of a private citizen whose interest could be underpinned by prejudice or a misguided understanding of the legislation.

**Seizure of vehicles**

Under this Bill, vehicles can be confiscated by the police, which for many Gypsies and Travellers would mean losing their home and possessions. Lord Rosser, Lord Dubs, Baroness Massey and Baroness Bakewell tabled an amendment (number 147) that no vehicle can be seized if it is someone’s home. The wording is “any property that is, or forms part of, P’s principal residence” and is based on a JCHR recommendation.

**Custodial sentences**

As well as the seizure of a home, the Bill sets the penalty of committing a criminal offence relating to encampments as a fine and/or imprisonment for up to three months. Baronesses Bennett, Bakewell and Chakrabarti have tabled amendments (143 and 144) which would remove the custodial sentence. This would mean that families wouldn’t face separation and all the related detrimental impacts of having a prison sentence and a criminal record.

## Further information

* [Quaker briefing for Peers ahead of Second Reading](https://www.quaker.org.uk/documents/quaker-briefing-for-peers-sep-2021), which sets out our concerns on Part 3 and Part 4 in full.
* [Comprehensive briefing](https://www.gypsy-traveller.org/briefing-on-part-4-pcscbill/) by Friends, Families and Travellers on Part 4.
* [Criminal Justice Alliance briefing](https://www.criminaljusticealliance.org/wp-content/uploads/PCSC-briefing-equalities-FINAL-1.pdf) and [EQUAL video](https://www.equalcjs.org.uk/video-police-crime-sentencing-and-courts-bill-and-racial-inequality-explained) on how the bill entrenches racial inequalities.
* [House magazine article](https://www.politicshome.com/thehouse/article/the-police-bill-will-trap-people-in-a-cycle-of-eviction-and-criminalisation-it-must-be-changed) by cross-party group of Peers on amendments to Part 4.
* [Jewish News blog](https://blogs.timesofisrael.com/protests-that-protected-jews-at-cable-street-are-in-danger-we-must-stand-firm/) on the impact of Part 3 on prayer and protest.

## Case study: Quakers protesting the arms fair

Every two years the Defence and Security International (DSEI) Arms Fair takes place in London’s Excel Centre. It is one of the world's largest arms fair and a significant number of people protest outside it. The Mayor of London has asked that the event should not take place, but he does not have the power to stop it.

Many Quakers are guided by their faith to protest at DSEI. Their testimony to peace and belief in ‘that of God in everyone’ leads them to oppose violent conflict. Quakers are called to ‘take away the occasion for all wars’ (*Advices & Queries* 24.01). The decision to take part in nonviolent direct action is not taken lightly, but follows a careful process of spiritual discernment.

Protests outside take several different forms. Usually a small group of people block an entrance using wooden structures or suspending themselves from bridges, and these protesters are swiftly removed by the police for obstructing the highway. The majority of protesters join one of the vigils outside the Excel Centre, where they may block roads temporarily. Crucially, these vigils are arranged beforehand with police and are carefully monitored. A vigil will last the allotted time, after which the police will clearly and distinctly ask protesters to move from the road. Most protesters will do so, leaving behind a few people who deliberately remain in the road in order to be arrested.

Many of the protests take the form of religious services, including sermons or the gathered silence of a Quaker meeting for worship. Protesters join these vigils because their faith compels them to condemn the selling of weapons. A demonstration is how they live their witness in the world, and tougher penalties for breaking the law are very unlikely to act as a deterrent.

Under the PCSC Bill, this protest could be stopped. Although the Arms Fair causes significant unease to Londoners (including the Mayor), the unease caused to the participants of DSEI could be cited as a reason to deny protest. The noise from some vigils is almost non-existent, but others are noisier, and objections may be made to the singing of hymns. Even if the protest was permitted, police officers could change conditions and argue that protesters ought to know, thus denying the current clear direction to move out of the road.

Further examples of Quaker protest:

* [Direct action against nuclear weapons at AWE Burghfield](https://www.quaker.org.uk/our-work/our-stories/protesting-against-nuclear-weapons-at-burghfield)
* [Stansted 15](https://www.quaker.org.uk/news-and-events/news/stansted-15-appeal-upheld)
* [1996 Seeds of Hope East Timor Ploughshares action](https://wagingnonviolence.org/2015/10/seeds-of-hope-east-timor-ploughares-book/)