

# Ophir Road and surrounding area Public Spaces Protection Order (PSPO) Consultation

## Consultation Document

BCP Council is asking for your views on the potential introduction of a Public Spaces Protection Order (PSPO) for the area around the British Pregnancy Advice Service (BPAS) clinic on Ophir Road in Bournemouth.

This document provides information about the proposals under consideration. The consultation will start on 20 July 2022 and close at **midnight on 31 August 2022**.

Following the consultation, a full report on the findings and outcomes of the consultation will be presented to the Portfolio Holder for Community Safety and Regulatory Services, who will decide on whether to implement the PSPO.

## Introduction

A PSPO allows a council to restrict specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. The council can make a public spaces protection order if 'satisfied on reasonable grounds that the following two conditions are met':

- a) The activities carried on in a public place within the council area has had, or is likely to have, a detrimental effect on the quality of life of those in the locality.
- b) The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable, and justifies the restrictions imposed.

A review and analysis of data relating to the impact of Pro-Life and Pro-Choice groups/individuals in the vicinity of the BPAS Clinic has been undertaken. The evidence supports the consideration of introducing a PSPO to deal with this issue.

The main aim of the PSPO would be to protect the staff and visitors who have been affected by the behaviour of those who congregate, hold vigils and protest outside. This includes Pro-Life and Pro-Choice supporters.

## Background

The British Pregnancy Advisory Service (BPAS) provide an NHS funded service offering consultations, medical abortions i.e., using medication and surgical abortions on site. The service is located at Ophir Road, Bournemouth.

The clinic is in a residential area in a road which comes to a dead-end adjacent to the A338. There is a grassed area opposite the clinic where groups generally congregate.

Ongoing concerns have been reported to BCP Council's Anti-Social Behaviour Team by the clinic and its service users about concerns relating to the presence and activities of Pro-Life groups in the immediate area of the clinic, reporting distress to service users caused by this activity.

In deciding whether to undertake a consultation on a PSPO the council has used evidence it has received since Feb 2019 however, it is acknowledged that information and concerns have been raised to the council since 2018.

The evidence obtained since February 2019 has been subject to legal advice which supports the position that the conditions for introducing a PSPO has been met. We are now seeking views of service users, clinic staff, residents living close to the BPAS clinic, BCP residents, Pro-Life and Pro-Choice supporters and other stakeholders before any decisions are made to adopt a PSPO in the area.

## Options considered

A number of options have been identified and examined by council officers which can be seen here:

[haveyoursay.bcpCouncil.gov.uk/17997/widgets/51365/documents/29754](https://haveyoursay.bcpCouncil.gov.uk/17997/widgets/51365/documents/29754).

The council has tried to set up a negotiated agreement between all represented groups, however, whilst the known groups have been approached, many of the individuals are not affiliated to a group and cannot be identified or contacted. At this time a negotiated settlement agreement has not been achievable. Despite this and the start of the statutory consultation process for a PSPO to be considered, the council remains committed to exploring all options, including a negotiated settlement.

A PSPO may not prevent Pro-Life and Pro-Choice activities but could set out clear parameters as to what is prohibited and where.

## Proposals

We are asking for your opinion on whether you would support or not support a PSPO being introduced around the BPAS clinic in Bournemouth.

We are seeking your views on three options which look at whether the PSPO should or should not include a designated area(s).

### Safe zone

Within the safe zone the following activities would be prohibited

- Protesting with respect to issues related to abortion services, including but not limited to graphic, verbal or written means, prayer or counselling.
- An attempt to or actual interfering, intimidating or harassing service users or members of staff of the BPAS clinic.
- Recording or photographing a service user or member of staff of the BPAS clinic.
- Displaying text or images, playing music, voice or audio recordings in relation to abortion.
- Holding vigils' where members audibly pray, recite scripture, genuflect, sprinkle holy water on the ground or cross themselves if they perceive a service-user is passing by.

### Designated area

The council could decide to include a **designated area** within the safe zone. People could use this area to take part in peaceful protesting but would still need to follow restrictions including:

- No more than four people allowed in the designated area at a time.
- Not attempting to or interfering, intimidating or harassing service users or members of staff of the BPAS clinic.
- No recording or photographing a service user or member of staff of the BPAS clinic.
- No displaying text or images, playing music, voice or audio recordings in relation to abortion.
- No holding vigils' where members audibly pray, recite scripture, genuflect, sprinkle holy water on the ground or cross themselves if they perceive a service-user is passing by.

Please see Appendix 1 for the proposed Orders and technical wording.

The three PSPO options we are considering are below.

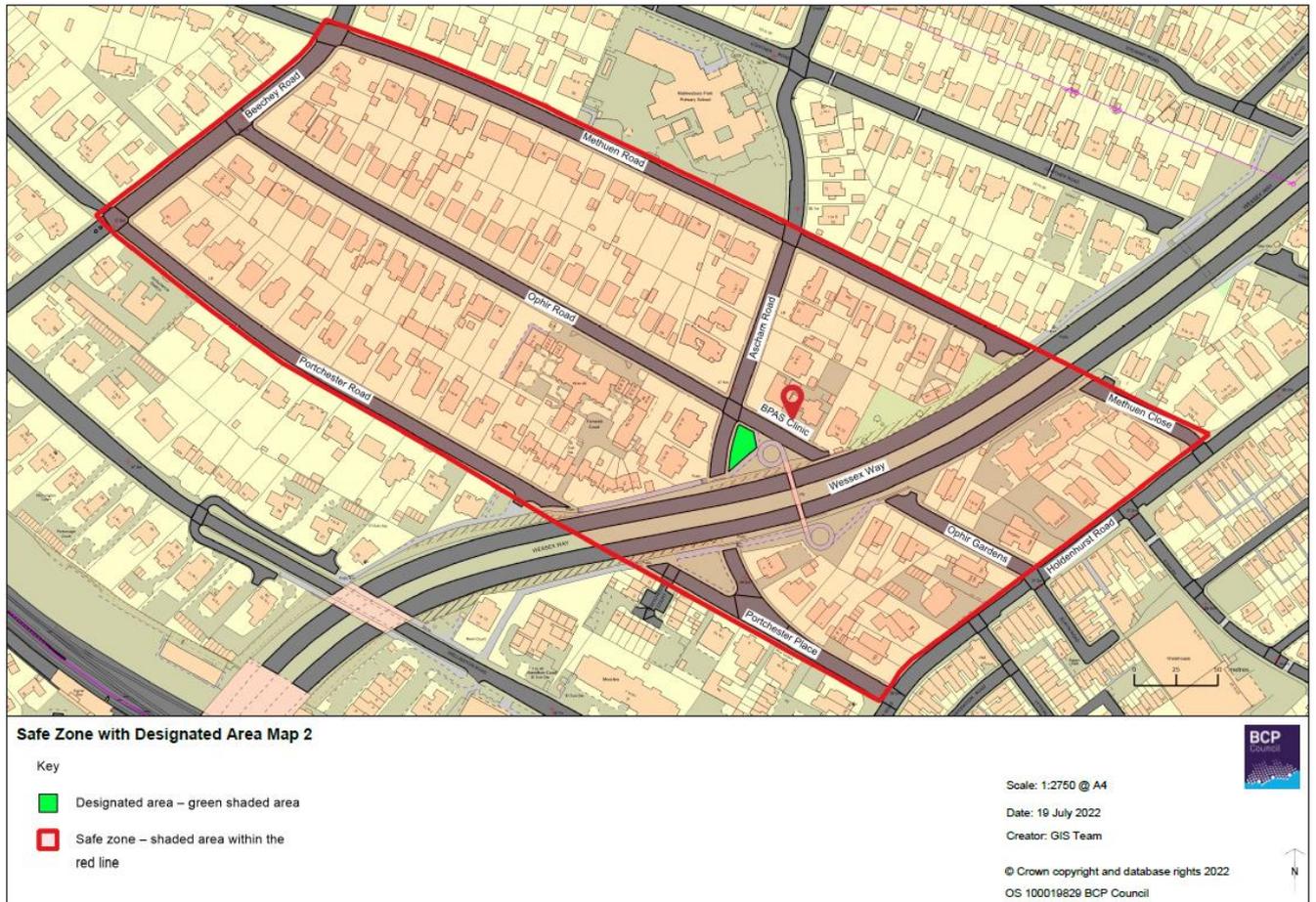
### Option 1 - Safe Zone – no designated area

To exclude all protesting/vigils/activity by pro-life/pro-choice groups and individuals within a defined geographical area around the clinic as shown in the map below. This option does not include a designated area.



## Option 2 – Safe Zone with one designated area

To exclude all protesting/vigils/activity by Pro-Life/Pro-Choice groups and individuals within a defined geographical area around the clinic but to include a designated area for Pro-Life/Pro-Choice/protestors to gather which carefully limits the activity within that designated area.



### Option 3 – Safe Zone with two designated areas

To exclude all protesting/vigils/activity by Pro-Life/Pro-Choice groups and individuals within a defined geographical area around the clinic but to include two designated areas for Pro-Life/Pro-Choice/protestors to gather which carefully limits the activity within the two designated areas.



## Impact

The proposals above may impact BPAS service users, BPAS staff, both Pro-Choice and Pro-Life groups or individuals who attend the area of the clinic and residents living in the area.

Before any decisions are made, we want to understand the views of all groups affected by the considered proposal.

## How to have your say

Your views are important to us. You can complete the survey and find more information here: [haveyoursay.bcpccouncil.gov.uk/ophir-road-pspo](https://haveyoursay.bcpccouncil.gov.uk/ophir-road-pspo). Alternatively, you can view a copy of the consultation document and complete a paper copy of the survey by visiting libraries close to the consultation area. Please see the main consultation page for more details.

If you have any questions or require a large print copy of the survey or alternative language, please email [asbteam@bcpccouncil.gov.uk](mailto:asbteam@bcpccouncil.gov.uk) giving your name, address and telephone number.

The consultation closes at midnight on **31 August 2022**.

## Next steps

Following completion of the public consultation, a further analysis of the options and results of the consultation itself will be undertaken. A report will be prepared, and the Portfolio Holder for Community Safety and Regulatory Services will make a decision as to whether to implement a PSPO or not.

The consultation report and Portfolio Holder Decision will be published on the Councils website.

## **Appendix 1: COPIES OF THE ORDERS**

### **Draft proposal 1 – Safe Zone**

#### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59 PUBLIC SPACES PROTECTION ORDER**

This order is made by the Bournemouth Christchurch and Poole Council (the 'Council') and shall be known as the Public Spaces Protection Order (OPHIR ROAD AND SURROUNDING AREA) 2022.

#### **PRELIMINARY**

1. The Council, in making this Order is satisfied on reasonable grounds that: The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality, and that: the effect, or likely effect, of the activities: is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. 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 the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

#### **THE ACTIVITIES**

4. The Activities prohibited by the Order are:
  - 4a     Protesting, namely engaging in an act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to graphic, verbal or written means, prayer or counselling
  - 4b     Interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff of the BPAS clinic
  - 4c     Intimidating or harassing, or attempting to intimidate or harass, a service user or a member of staff,

- 4d Recording or photographing a service user or member of staff of the Clinic.
- 4e Displaying text or images relating directly or indirectly to the termination of pregnancy and or playing or using amplified music, voice or audio recordings
- 4f Holding vigils' where members audibly pray, recite scripture, genuflect, sprinkle holy water on the ground or cross themselves if they perceive a service-user is passing by

## **THE PROHIBITION**

5. A person shall not engage in any of the activities anywhere within the Safe Zone as highlighted within the red boundary on the attached map labelled 'The Safe Zone'.

## **DEFINITIONS**

6. In this Order the following words or phrases are defined as follows: 'Clinic' means the BPAS Clinic, Ophir Road, Bournemouth;

'Displaying any text or images relating directly or indirectly to the termination of pregnancy' includes but is not limited to, imagery or textual references to abortion, baby, mum, foetus, soul, kill, hell, murder;

'Member of staff' includes any employee, agent or contractor of the Clinic;

'Protesting' means being in the Safe Zone (whether by yourself or with others) and engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to, graphic, verbal or written means, prayer or counselling;

'Safe Zone' means the area outlined in a red boundary on the attached map and marked 'Safe Zone' for the PSPO (OPHIR ROAD AND SURROUNDING AREA) 2022;

'Service user' includes any patient or visitor to the Clinic.

## **REQUIREMENTS**

7. A person who is believed to have engaged in a breach of this order or in anti-social behaviour within the Safe Zone, is required to give their name and address to a police officer, police community support officer or other person designated by BCP Council.

8. A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the Safe Zone, is required to leave the area if asked to do so

by a police officer, police community support officer or other person designated by BCP Council.

### **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

9. This Order was made on ..... and will expire at 23.59 on .....unless extended.

10. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

### **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

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.

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

### **FIXED PENALTY**

A constable, police community support officer or city council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the anti-social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

### **APPEALS**

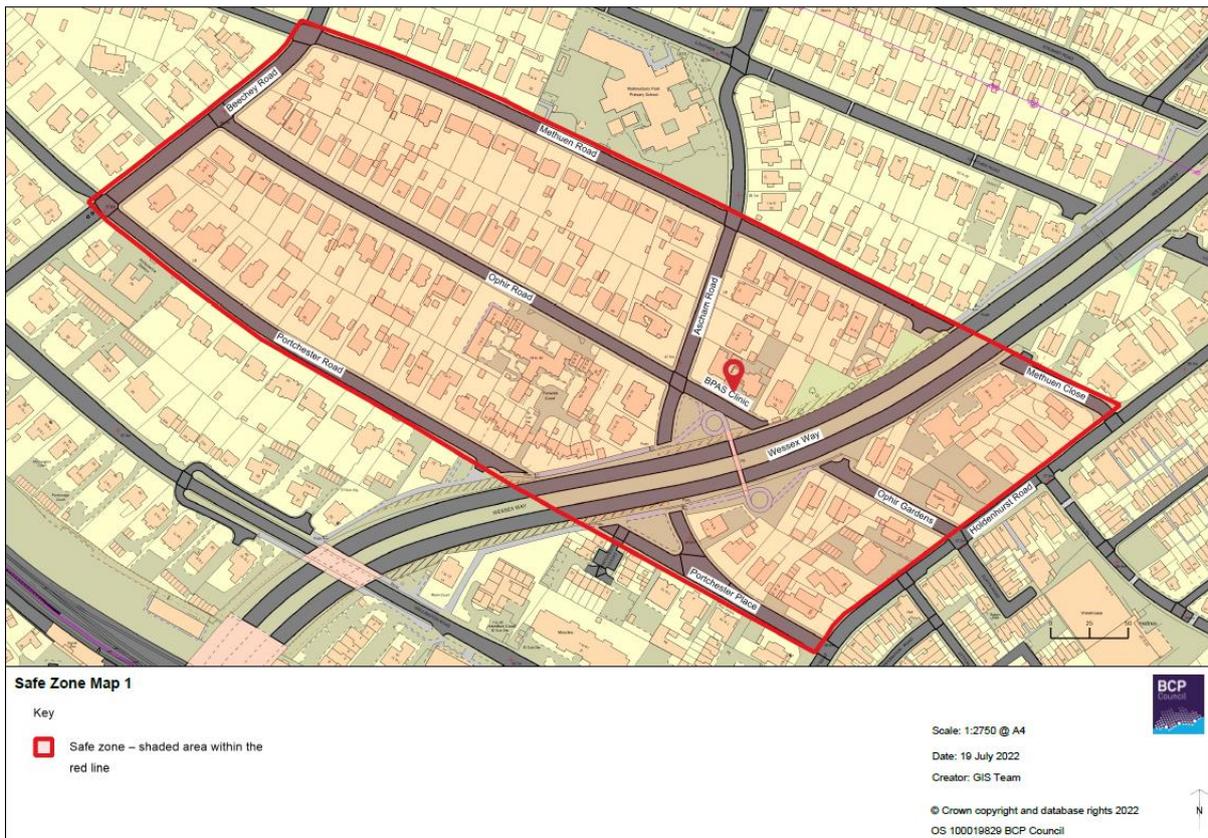
Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the safe zone. This means that only those who are directly affected by the restrictions have the power to challenge. 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 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.

Street covered:

Methuen Road, Methuen Close, Beechey Road, Ophir Road, Ophir Gardens, Portchester Road, Portchester Place, Ascham Road, Wessex Way, Holdenhurst Road.



## **Draft proposal 2 – Safe Zone and one designated area**

### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59 PUBLIC SPACES PROTECTION ORDER**

This order is made by the Bournemouth Christchurch and Poole Council (the 'Council') and shall be known as the Public Spaces Protection Order (OPHIR ROAD AND SURROUNDING AREA) 2022.

#### **PRELIMINARY**

1. The Council, in making this Order is satisfied on reasonable grounds that: The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality, and that: the effect, or likely effect, of the activities: is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.

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

3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. 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 the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

#### **THE ACTIVITIES**

4. The Activities prohibited by the Order are:

- 4a     Protesting, namely engaging in an act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to graphic, verbal or written means, prayer or counselling
- 4b     Interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff of the BPAS clinic
- 4c     Intimidating or harassing, or attempting to intimidate or harass, a service user or a member of staff,
- 4d     Recording or photographing a service user or member of staff of the Clinic.

- 4e Displaying text or images relating directly or indirectly to the termination of pregnancy and or playing or using amplified music, voice or audio recordings
- 4f Holding vigils' where members audibly pray, recite scripture, genuflect, sprinkle holy water on the ground or cross themselves if they perceive a service-user is passing by

## **THE PROHIBITION**

5. A person shall not engage in any of the activities anywhere within the Safe Zone as highlighted within the red boundary on the attached map labelled 'The Safe Zone'

6. This Prohibition is subject to the Exception stated below.

## **DEFINITIONS**

7. In this Order the following words or phrases are defined as follows: 'Clinic' means the BPAS Clinic, Ophir Road, Bournemouth;

'Designated Area' means the green shaded area as identified on the attached map outlined with a green boundary and labelled 'Designated Area';

'Displaying any text or images relating directly or indirectly to the termination of pregnancy' includes but is not limited to, imagery or textual references to abortion, baby, mum, foetus, soul, kill, hell, murder;

'Member of staff' includes any employee, agent or contractor of the Clinic;

'Protesting' means being in the Safe Zone (whether by yourself or with others) and engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to, graphic, verbal or written means, prayer or counselling;

'Safe Zone' means the area outlined in a red boundary on the attached map and marked 'Safe Zone for the PSPO (OPHIR ROAD AND SURROUNDING AREA) 2022';

'Service user' includes any patient or visitor to the Clinic.

## **REQUIREMENTS**

8. A person who is believed to have engaged in a breach of this order or in anti-social behaviour within the Safe Zone, is required to give their name and address to a police officer, police community support officer or other person designated by BCP Council.

9. A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the Safe Zone, is required to leave the area if asked to do so by a police officer, police community support officer or other person designated by BCP Council.

## **THE EXCEPTION**

10. The Prohibition does not apply to the green-shaded area identified on the attached map outlined with a green boundary and labelled 'Designated Area'.

## **RESTRICTIONS APPLYING IN THE DESIGNATED AREA**

11. Activities allow peaceful protesting within the Designated Area as highlighted in green on the attached map below but restricts this with the following conditions:

- 11a There shall be no more than 4 persons within this area at any one time.
- 11b Interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff
- 11c Intimidating or harassing, or attempting to intimidate or harass, a service user or a member of staff
- 11d Recording or photographing a service user or member of staff of the Clinic whilst they are in the Safe Zone
- 11e Displaying any text or images relating directly or indirectly to the termination of pregnancy (whether this is prolife or prochoice)
- 11f Playing of using amplified music, voice, or audio recordings
- 11g Holding vigils' where members audibly pray, recite scripture, genuflect, sprinkle holy water on the ground or cross themselves if they perceive a service-users is passing by

## **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

15. This Order was made on ..... and will expire at 23.59 on unless extended.

16. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

## **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

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.

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

## **FIXED PENALTY**

A constable, police community support officer or city council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

## **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 safe zone. 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 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.

Roads/Streets covered:

Methuen Road, Methuen Close, Beechey Road, Ophir Road, Ophir Gardens, Porchester Road, Porchester Place, Ascham Road, Wessex Way, Holdenhurst Road.



**Safe Zone with Designated Area Map 2**

**Key**

- Designated area – green shaded area
- Safe zone – shaded area within the red line

Scale: 1:2750 @ A4

Date: 19 July 2022

Creator: GIS Team

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OS 100019829 BCP Council



## **Draft proposal 3 – Safe Zone and two designated areas**

### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59 PUBLIC SPACES PROTECTION ORDER**

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#### **PRELIMINARY**

1. The Council, in making this Order is satisfied on reasonable grounds that: the activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality, and that: the effect, or likely effect, of the activities: is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has paid regard to the rights and freedoms set out in the European Convention on Human Rights. 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 the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

#### **THE ACTIVITIES**

4. The Activities prohibited by the Order are:
  - 4a Protesting, namely engaging in an act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to graphic, verbal or written means, prayer or counselling
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## **THE PROHIBITION**

5. A person shall not engage in any of the activities anywhere within the Safe Zone as shown shaded on the attached map labelled 'The Safe Zone'.

6. This Prohibition is subject to the Exception stated below.

## **DEFINITIONS**

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'Safe Zone' means the shaded area outlined in a red boundary on the attached map and marked 'Safe Zone for the PSPO (OPHIR ROAD AND LOCALITY) 2022;

'Service user' includes any patient or visitor to the Clinic.

## **REQUIREMENTS**

8. A person who is believed to have engaged in a breach of this order or in anti-social behaviour within the Safe Zone, is required to give their name and address to a police officer, police community support officer or other person designated by BCP Council.

9. A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the Safe Zone, is required to leave the area if asked to do so by a police officer, police community support officer or other person designated by BCP Council.

## **THE EXCEPTION**

10. The Prohibition does not apply to the green-shaded area identified on the attached map outlined with a green boundary and labelled 'Designated Area'.

## **RESTRICTIONS APPLYING IN THE DESIGNATED AREAS**

11. Activities allow peaceful protesting within the designated zone as highlighted in green on the attached map below but restricts this with the following conditions:

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## **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

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## **APPEALS**

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Roads/Street covered:

Methuen Road, Methuen Close, Beechey Road, Ophir Road, Ophir Gardens, Porchester Road, Porchester Place, Ascham Road, Wessex Way, Holdenhurst Road.



**Safe Zone with Designated Area Map 3**

**Key**

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- Safe zone – shaded area within the red line

Scale: 1:2750 @ A4

Date: 19 July 2022

Creator: GIS Team

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