

Ref: Robert Clinic, Station Road, Birmingham B30

**Birmingham City Council (Station Road B30) Public Space
Protection Order**

Anti-Social Behaviour, Crime and Policing Act 2014 – Section 59

Public Space Protection Order

**The Order shall come into force on 07th September 2022 at
00.00hrs**

**If you do not obey the order you will be committing a
criminal offence and may be prosecuted by the Council
within a Magistrates' Court for an offence under Section
67 of the Anti-Social Behaviour, Crime and Policing Act
2014.**

THIS ORDER is made by Birmingham City Council (the Council) under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, because the council is satisfied on reasonable grounds that there are a number of activities, carried out or are likely to be carried out in a public space namely the area within and surrounding Station Road, Birmingham, B30, shown outlined on the map attached (the restricted area) that have had, or are likely to have, a detrimental effect on the quality of life of those in the locality. The effect or likely effect of these activities is of a persistent or continuing nature such as to make these activities unreasonable, and justifies the restrictions imposed in this order.

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 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

The Activities prohibited by the Order are:

- i Protesting, namely engaging in any act of approval or disapproval or attempted act of approval or 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,
- ii Interfering, or attempting to interfere, whether verbally or physically, with a Robert Clinic service user, visitor or member of staff,
- iii Intimidating or harassing, or attempting to intimidate or harass, a Robert Clinic service user, visitor or a member of staff,
- iv Recording or photographing a Robert Clinic service user, visitor or member of staff or
- v Displaying any text or images relating directly or indirectly to the termination of pregnancy.

THE PROHIBITION

5. A person shall not engage in any of the Activities anywhere within the restricted area as shown outlined in red on the attached map.

DEFINITIONS

7. In this Order the following words or phrases are defined as follows:

'Robert Clinic' means the Robert Clinic on Station Rd, Birmingham B30 1DB

'Restricted Area' means the area outlined in red as identified on the attached map

'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 Robert Clinic;

'Protesting' means being in the restricted area (whether by yourself or with others) and engaging in any act of approval or disapproval or attempted act of approval or 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;

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

REQUIREMENTS

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

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

THIS ORDER WILL BE IN FORCE FOR A PERIOD OF 3 YEARS AND WILL EXPIRE ON THE 05th September 2025 AT 23.59HRS.

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.

Right to challenge the validity of this order

An interested person may apply to the High Court to question the validity of this order. An interested person is someone who lives in, regularly works in, or visits the restricted area. An application must be made within the period of 6 weeks beginning with the date on which the Order is made. This right to challenge also exists where an order is varied by a council.

Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the council did not have power to make the order, or to include particular prohibitions or requirements. In addition, the interested person could argue that one of the requirements (for instance, consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.



SIGNED

DATED 7 SEPTMEBER 2022

Duly Authorised Officer Robert E James

Director of City Operations

City Operations Directorate

SIGNED

J.MUNRO

DATED 06/09/2022

Duly Authorised Officer Superintendent 2643 James MUNRO

West Midlands Police

Any enquiry relating to this order may be made from 09.00 – 16.00 hours Monday to Friday at:

CSP Enquiries cspenquiries@birmingham.gov.uk

Offence and Penalty on breach.

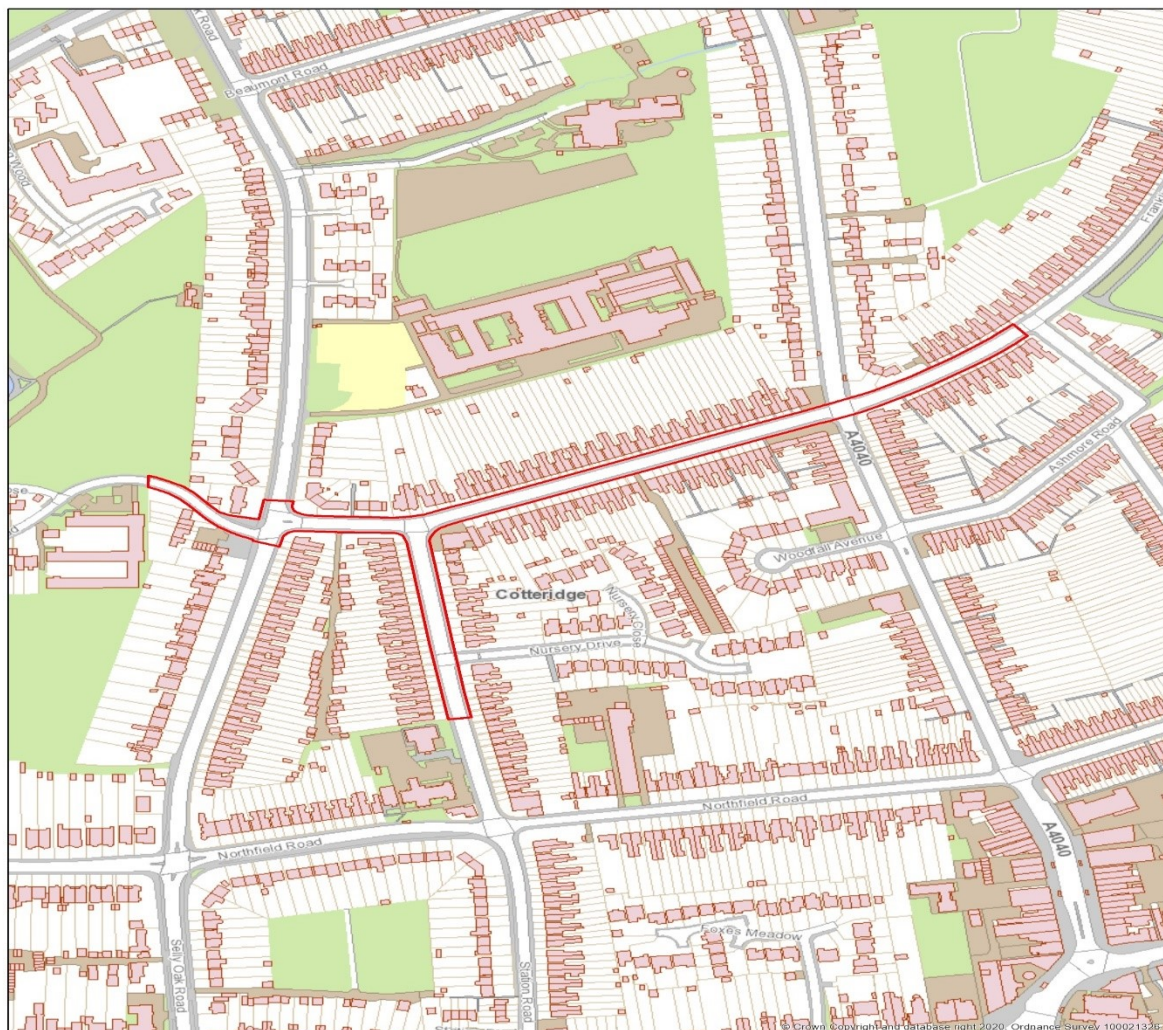
It is an offence for a person, without reasonable excuse, to:

- Do anything that the person is prohibited from doing by a PSPO or
- Fail to comply with a requirement to which the person is subject under a PSPO.

A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have power to include in the PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, or other authorised person. In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence. However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence or failing to comply with the PSPO).

Robert Clinic PSPO Map



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