

10.02.25

Meeting notes of 10.02.25 with Nick Hurley Community Safety Team Leader and Insp Dave Derrick Sussex Police
Re Saint Hill Road PSPO application.

28th April 2025

Since meeting with Sussex Police, it has been established that planters were not placed at the entrance of Saint Hill Manor at the 2024 International Event. They were only present in 2023. The notes below have been amended accordingly.

Dear Dave,

Many thanks for meeting Nick Hurley and me on the 10th February 2025 to discuss the possibility of Mid-Sussex District Council (MSDC) issuing a Public Spaces Protection Order (PSPO) on Saint Hill Road and West Hoathly Road, East Grinstead.

As you know, there are a number of options to consider when deciding if a PSPO is a suitable option to prevent protests on Saint Hill Road during the 3-day Scientology international event in the Autumn each year. Any decision made by MSDC must be reasonable and proportionate and satisfy the statutory tests namely;

By s.59(1)-(3), of the Anti-Social Behaviour Crime and Policing Act 2014 activities carried on in a public place within the authority's area have had a **detrimental effect on the quality of life of those in the locality**, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

AND the effect, or likely effect, of the activities (a) is, or is likely to be, of a **persistent or continuing nature**, (b) is, or is likely to be, such as to make the activities **unreasonable**, and (c) **justifies** the restrictions imposed by the notice.

Further and in any event, a PSPO may only include provisions which are **reasonable** to impose in order to prevent or reduce the identified 'detrimental effect': s.59(5).

As you know, it is important to note local authorities enjoy a wide discretion to decide for themselves which behaviours cause '**detrimental effect**' in their particular area, relying on local knowledge and exercising judgment.

In exercising that judgement, it has been very useful to discuss other options with you that may be available to the Council to avoid a PSPO in the area. As you know, a decision has not yet been made on the granting or otherwise of a PSPO but thank you for your time in exploring the other options set out below.

1 Taking no action at all. Whilst this is technically a feasible option, there is an onus on MSDC to explain either (i) why no action at all is required to respond to behaviours exhibited at the two international events in 2023 and 2024, or alternatively (ii) how those behaviours can be addressed by other means. A decision refusing to make a PSPO would be significantly strengthened by pointing to other steps which can be taken in the alternative, i.e. mitigating that decision, hence why the Council are exploring options with you now. Should MSDC decide not to grant the PSPO the Council would not simply do nothing but would seek other options to address the issue.

2 Negotiating a compromise between the Church and protesters. It was helpful to note that you have personally done this with both the Church and protesters in both 2023

and 2024. You identified the main issues here were that the Church did not want the protesters directly beside their entrance gates and the protesters did not want to stand on a grass verge away from the entrance.

We discussed the Police power under the Public Order Act to force people to stand in a particular area. You confirmed that the use of this power would not be proportionate in this case. You gave an example of Police colleagues policing the Black Lives Matter march in Brighton where thousands of people attended. Even at this level of protest the Public Order Act was not used.

In addition, at both the 2023 and 2024 international events in East Grinstead, no arrests were made, so it would be counterintuitive to rely on the Public Order Act to move protesters to a grass verge away from the entrance when there is no necessity due to no public order infringements taking place.

3 Improved event management by the Church. We discussed the fact the road is busy, and traffic is congested at arrival times for the three-day international event. In the Autumn it is dark during busy arrival times and there are risks to pedestrians walking along Saint Hill Road to access Saint Hill Manor.

We discussed the observations by MSDC staff at the 2024 event that Church security staff were difficult to see and identify as they did not wear hi-viz whereas MSDC staff and protesters did wear hi-viz. Your comments on this were whilst it would be acceptable to the Police for security staff to wear hi-viz to identify themselves as staff, it would not be appropriate for security staff to stray onto the public highway and direct traffic or engage with protesters. Security staff must remain on the Church private land. Hi-viz could be useful to identify them as staff.

4 Improved traffic management and/or road closures. This has been discussed with the Highways Authority and several solutions were discussed such as the Church providing temporary lighting inside their grounds so church attendees arriving at the Church can see and be seen when walking along Saint Hill Road. A change in speed limit from 60 MPH on Saint Hill Road would not be proportionate for a three-day event and a Traffic Regulation Order (TRO) to this effect would not be supported by West Sussex County Council or Sussex Police due to the resources and enforcement required for this.

You did comment that the planters the Church had placed at their entrance are helpful to avoid protesters straying into the road causing a road safety risk to all users. Whilst we agree the highway cannot be obstructed, and this includes the verge next to the Saint Hill Manor entrance, the planters observed at the 2024 ~~2023~~ event were helpful. However, it is accepted that fencing erected along the verge in 2024 was removed as it was considered an obstruction of the highway.

The primary objective of the Police at this event is to maintain public safety and the planters did go some way to achieving this. I will explore this further with the Highways Authority to get some clarity on their view of the planters.

A road closure would not be helpful in these circumstances as i) this cannot stop pedestrians (ie protesters) from walking to Saint Hill Manor and ii) visitors and guests to the event cannot be dropped off at the entrance.

5 Local authority and/or police to continue monitoring event in 2025 or beyond. The Church have indicated that the presence of Council observers at the 2024 event ensured the protesters were better behaved than in 2023. This is not supported by Police evidence because no arrests were made in 2023 or 2024. Evidence from Police Sergeants

at both events states in all cases the event was peaceful between all parties. Traffic management and visitors walking along an unlit Saint Hill Road in dark clothing was a cause for concern.

The Council are keen to resolve the current issue of whether a PSPO should be granted or not and do not consider it helpful to any party to prolong decision making for another year whilst another observation exercise is conducted. You have commented that from an intelligence perspective, it should not be necessary to Police this event. The Police only do so to support the Church at their request. Neither the Council or the Police think a second observation exercise in 2025 is necessary or proportionate.

6 Investigate whether use of amplified sound and music is a statutory nuisance for the purposes of the Environmental Protection Act 1990. This is not deemed to be necessary. Neither the Police nor the Council have received complaints about a statutory noise nuisance. At the event in 2024, the Police asked the Church to reduce the volume of the bagpipe music, and they complied.

7 Serving Community Protection Warnings and/or Notices during the event under s.43 ASBCPA. Using the current intelligence picture and the observations of both the 2023 and 2024 events, this is not considered necessary. These powers remain available to the Police if required. No crime has ever been recorded at the international event.

8 Obtaining a Closure Order for the area around the Premises under s.80 ASBCPA: This option is not feasible as closure orders cannot be made over highways and public land.

9 Application for injunction(s) by MSDC: Applications can be made under s.222 of the Local Government Act 1972; ss.1 and 2 of the ASBCPA; and/or s.3 of the Protection from Harassment Act 1997. Whilst legally permissible, this involves various evidential and procedural challenges. The Council and Police also conclude this is not necessary in the circumstances of this case.

This is not a helpful way to address competing behaviours by both sides, e.g. playing music and filming. MSDC may also need to renew an application for an injunction each year, and the cost of conducting contested litigation in the High Court would be a relevant factor in choosing not to use injunctions.

10 Police powers to deal with criminality or disorder arising during the event: The police have powers of investigation and arrest under PACE 1984 and powers of dispersal under s.35 ASBCPA. Responsibility also rests with the police to investigate and respond to any reported criminal activity such as public order offences under s.4 of the Public Order Act 1986; harassment under s.2 of the Protection from Harassment Act 1997; common assault and criminal damage; and any religiously aggravated offences under ss.29-32 Crime and Disorder Act 1998.

AS already discussed, the Police have not seen any behaviour to reach this threshold in either 2023 or 2024, so this is unlikely to be an option available in this case.

11 Byelaws: local authorities can make byelaws (as an alternative to PSPOs) under s.235 of the Local Government Act 1972 and the Byelaws (Alternative Procedure) (England) Regulations 2016/165. This is unlikely to be preferable to making a PSPO, not least because the Secretary of State must approve any proposed byelaw.

12 Make a PSPO: As discussed and to be decided.

Please do check my notes are accurate from our discussion and please do add anything you may wish.