

Options assessment of the PSPO for Cabinet report.

Each option has been considered in the light of all evidence gathered including engagement with Sussex Police, West Sussex County Council Highways Authority, Protesters and Church.

a. **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. Therefore, a distinction should be drawn between a decision where no further action whatsoever is taken, versus one where MSDC declines to make a PSPO but suggests other lesser measures, which can reasonably be used to achieve the goal of reducing or eliminating problematic behaviours by the Protesters or Church. Taking no action at all is not considered a proportionate response to the application by the Church. Lesser options are discussed in the Cabinet paper.

b. **Negotiating a compromise between the Church and protesters.** Ideally this would see both sides voluntarily agree to abide by a Code of Conduct brokered by MSDC, as in appendix S, T and appendix U. The voluntary code of conduct proposed by the Council relates to:

- i. Compliance with instructions given by the Police
- ii. Protesters remaining on public land or the public highway
- iii. Protesters agreeing not to obstruct or attempt to obstruct any person entering the Church.
- iv. Protesters agreeing not to harass, intimidate or abuse any persons attending the Church
- v. The Church ensuring stewards and security staff are identifiable to the public by wearing Hi-Viz jackets, armbands or similar
- vi. The Church providing adequate lighting
- vii. The Church agreeing not to enter or interfere with a space designated by the Police for use by protesters whilst protesters are present in that space.
- viii. The Church agreeing not to obstruct protesters from entering or exiting the area designated at any time by the Police for their use.
- ix. The Church agreeing not to film or photograph protesters who remain within the space designated by the Police for their use.

As discussed in the Cabinet paper, the Council scheduled separate meetings in person with the Church and protesters in order to (i) discuss both events and what behaviour they say did and did not take place; (ii) allow each side to make any submissions they would like to make to MSDC; (iii) put allegations about their behaviour to them for their response; (iv) gauge their willingness to agree to a Voluntary Code of Conduct in principle, and then to specific terms and conditions; (v) identify any other practical solutions to facilitate a safe and smooth event in future years which balances both sides' competing interests.

Both parties were invited to put representations and evidence in writing for MSDC's consideration.

Even if no consensus can be found, through the required behaviours, the Council can still refuse a PSPO on the basis that reasonableness, justification and proportionality tests are not met.

c. **Improved event management by the Church/physical changes to the environment:** It is evident that some improvements could be made to improve the smooth running of the event, as highlighted in the Cabinet report, in particular identifying stewards by uniforms or hi viz vests, and consideration of changing the security check process to eliminate tailbacks of traffic on Saint Hill Road. If event management were improved a PSPO would not be required. Under their Premises Licence, the Church are required to notify the relevant health and safety enforcing authority of all upcoming events to be held within the grounds of Saint Hill Manor, 6 weeks prior to the actual event occurring detailing the nature of the event and any activities carried out on site. The 2023 event was held on 3rd, 4th and 5th November and the event management plan was received on the 17th October 2023, three weeks before the event. An event management plan was received for the 2024 event five weeks in advance. The date of the event was not shared until the 7th October. If the Church engaged at an earlier stage with Authorities, event management would improve and would negate the need for a PSPO.

d. **Improved traffic management:** Increased provision of parking inside Church grounds with less reliance on overflow car parks outside the grounds would reduce traffic congestion and the unsafe practice of pedestrians walking along Saint Hill Road in the dark with no pavements. Improved pedestrian access to the grounds, near the Rugby Club and Fonthill would avoid interaction between pedestrian Church visitors and Protesters to the South of the Saint Hill Manor entrance.

Continuing to use a one-way system to drop visitors within the grounds, limiting or coordinating with timed entry the number of coaches visiting the premises at one time and improved lighting to help with the safety of the event would all help in reducing the interaction between Protesters and visitors. The onus would be on the Church to facilitate any changes on their own land. Such improvements would reduce interaction between Protesters and Church visitors and therefore a PSPO would not be necessary and proportionate.

e. **Road Closures:** Road closures cannot be used for off-road events such as this. A road closure would not stop protesters walking to Saint Hill Manor and attendees to the IAS event could not be dropped off at the Manor using vehicles. Access to Saint Hill Road could not be blocked for emergency vehicles. A road closure has been dismissed as an option by the Council.

f. **Local authority and/or police to continue monitoring event in 2025 or beyond:** The Church consider there has been some improvement in protesters' behaviour in 2024 compared to 2023. This may suggest that the presence of Council staff and increased scrutiny of protesters' behaviour in 2024 was sufficient to achieve the desired effect. This alone would offer compelling justification not to make a PSPO, i.e. it is unnecessary to do so because less restrictive measures were equally effective. However, considerable Council and Police resources have already been spent on this process, and it may not be economically possible to mount a full observation exercise again. The Council will carry out spot checks at the 2025 IAS to ensure that the Protesters and Church are observing the required behaviours of the Council set out in appendix S, appendix T and U.

g. **Investigate whether use of amplified sound and music is a statutory nuisance for the purposes of the Environmental Protection Act 1990:** Under their Premises Licence, the Church are required to provide this Council's licencing team with a Noise Management Plan that will be submitted to the Licensing Authority for all licensable activities at the premises. It will be reviewed annually and if necessary during its term, as required.

It must be submitted to the Licensing Authority on or before the anniversary of the issue (2nd August) of the Licence. This Council received a noise management plan for the 2023 IAS event, and 2024 event, but not in a timely manner. The annual plan is not provided.

The use of amplified music and amplified chanting at the IAS events would need to be assessed on the day by the Council's Environmental Protection Team. This has not been done to date because complaints have not been received. If excessive noise was found, this Council would be mandated to issue an abatement notice. It could be regarded that playing music of long periods is capable of amounting to a statutory nuisance, but again, no complaints have been received. At the 2024 event, the Police asked the Church to turn the bagpipe music down and this was complied with. Therefore, it is unlikely to require any further investigation, PSPO or enforcement action as a Police instruction has been complied with in the past.

h. **Serving Community Protection Warnings and/or Notices during the event under s.43 ASBCPA:** This power is available to both the Council and the Police. This may be useful to address the behaviour of a small number of 'bad apples' in a targeted and responsive way, if the majority of protesters are orderly and cooperative, following the code of conduct on their website/ protest rules (appendix N) and observations made by Council staff. Therefore, a PSPO would not be needed as statutory powers exist to address any anti-social behaviour.

i. **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. This option has been ruled out in this case.

j. **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. This may not be realistic to govern the behaviour of a large group of protesters, but in this case, protester numbers are small and the Church knows who Protesters are. Obtaining injunctions against persons unknown – whilst legally permissible – involves various evidential and procedural challenges. This Council also reasonably concludes that this is not a productive means 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 may be a relevant factor. This option has been ruled out for the Council, but the Church can reasonably take injunction proceedings themselves against protesters who they believe behave badly. A PSPO is not proportionate to tackle individual bad behaviour, this can be addressed by the injunction process available to the Church.

k. **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 which are not available to MSDC. 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. However, it should be noted that the Police have not seen any such behaviour to reach this threshold in either 2023 or 2024, so this is unlikely to be an option available in this case. If criminality or disorder are present at future events, Police powers remain whether a PSPO is in place or not.

l. **Byelaws:** local authorities enjoy powers to 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.

m. **Make a PSPO:** As discussed in this report and to be decided by Cabinet.