



House of Commons
Procedure Committee

Sessional Orders and Resolutions

Third Report of Session 2002–03

*Report, together with formal minutes, oral and
written evidence*

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The Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

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Committee staff

The current staff of the Committee are Simon Patrick and Jenny McCullough (Clerks) and Susan Morrison (Committee Assistant).

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Text of the Sessional Orders and Resolutions

Elections,—*Ordered*, That all Members who are returned for two or more places in any part of the United Kingdom do make their Election for which of the places they will serve, within one week after it shall appear that there is no question upon the Return for that place; and if any thing shall come in question touching the Return or Election of any Member, he is to withdraw during the time the matter is in debate; and that all Members returned upon double Returns do withdraw till their Returns are determined.

Resolved, That if it shall appear that any person has been elected or returned a Member of this House, or endeavoured so to be by bribery, or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

Witnesses,—*Resolved*, That if it shall appear that any person has been tampering with any witness, in respect of his evidence to be given to this House, or any Committee thereof, or directly or indirectly has endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime and misdemeanour; and this House will proceed with the utmost severity against such offender.

Resolved, That if it shall appear that any person has given false evidence in any case before this House, or any Committee thereof, this House will proceed with the utmost severity against such offender.

Metropolitan Police,—*Ordered*, That the Commissioner of the Police of the Metropolis do take care that during the Session of Parliament the passages through the streets leading to this House be kept free and open and that no obstruction be permitted to hinder the passage of Members to and from this House, and that no disorder be allowed in Westminster Hall, or in the passages leading to this House, during the Sitting of Parliament, and that there be no annoyance therein or thereabouts; and that the Serjeant at Arms attending this House do communicate this Order to the Commissioner aforesaid.

Votes and Proceedings,—*Ordered*, That the Votes and Proceedings of this House be printed, being first perused by the Speaker.

Conclusions and recommendations

1. We recommend that the formal first reading of the Outlawries Bill should continue (Paragraph 5).
2. The passing of the Sessional Orders and Resolutions relating to elections, witnesses and the Votes and Proceedings should be discontinued (Paragraph 9.a).
3. The House should decide, by agreeing to this Report, that all Members who are returned for two or more places in any part of the United Kingdom should choose for which of the places they will serve, within one week after it appears that there is no question about their election for that place (Paragraph 9.b).
4. The Sessional Orders and Resolutions should be replaced by a statement of the duties and responsibilities of Members, possibly the seven principles of public life as set out in the Code of Conduct together with historic claims to privilege including those of freedom of speech and freedom from legal challenge embodied in the Bill of Rights 1689; however, we believe that the details might be left to the Speaker's discretion, perhaps after taking such soundings as seemed appropriate (Paragraph 10).
5. The Government should introduce appropriate legislation to prohibit long-term demonstrations and to ensure that the laws about access are adequate and enforceable. We also expect the appropriate authorities to explore fully the possibility of using existing legislation to control the use of loud-hailers and other amplification equipment; failing that, the Government should consider legislation on this subject (Paragraph 22).
6. We believe that legislation on demonstrations is the only way to ensure that the police have adequate powers to achieve the result intended by the Sessional Order. Without such legislation, the Sessional Order is misleading; with such legislation, it would be unnecessary (Paragraph 24).
7. Until the legislation comes into force, however, we believe that it would be sensible to continue with a Sessional Order, to reflect the House's concerns and to act as a marker that it expects Members' access to Parliament to be maintained as far as the existing law allows. (It would also act as an annual reminder that the new legislation had not yet come into force.) References to Westminster Hall and the precincts of the House could, however, sensibly be removed from the Order, and it might also be desirable to insert words to include the whole Parliamentary estate, rather than just the House itself. We therefore suggest that, until legislation is passed, the Order should take the following form:

That the Commissioner of the Police of the Metropolis do take care that the passages through the streets leading to this House be kept free and open and that no obstruction be permitted to hinder the passage of Members to and from this House during the sitting of Parliament, or to hinder Members by any means in the pursuit of their Parliamentary duties in the Parliamentary Estate; and that the Serjeant at Arms attending this House do communicate this Order to the Commissioner (Paragraph 25).

1 Introduction

1. At the beginning of each Session, just before the debate on the reply to the Queen's Speech, the House agrees to three Orders and three Resolutions, set out on p 3. These relate to elections, witnesses, the Metropolitan Police, and the Votes and Proceedings. They have all been passed at the beginning of each Session for nearly two hundred years, some of them for even longer.

2. During a recent discussion with this Committee, the Speaker encouraged us to look at these Sessional Orders and Resolutions, to consider whether they should be abolished or updated, and, in particular, whether the Order requiring the Metropolitan Police Commissioner to prevent obstructions hindering access to the House by Members was appropriate, in the light of recent experience with demonstrations around the Houses of Parliament. The previous Clerk of the House, Sir William McKay, had also provided us with memoranda and suggested such an inquiry.¹

3. We therefore decided to conduct a short inquiry into the Sessional Orders and Resolutions. We took evidence from the current Clerk of the House, Mr Roger Sands, and the Serjeant at Arms, Sir Michael Cummins. In relation to the Metropolitan Police Order, we took evidence from the Metropolitan Police Commissioner, Sir John Stevens, the Minister of State at the Home Office, Ms Hazel Blears, and some backbench Members of Parliament (Nicholas Soames, Jeremy Corbyn and Dr Jenny Tonge). We have been in correspondence with the Greater London Authority and received correspondence from the Sub-Dean of Westminster Abbey and several Members. To everyone who helped us with our inquiry, we express our thanks.

4. The remainder of this Report examines briefly the Orders and Resolutions relating to elections, witnesses and the Votes and Proceedings, and then considers the Metropolitan Police Order and related issues concerning demonstrations around the Houses of Parliament.

2 Sessional Orders and Resolutions: General

5. The paper from the Clerk of the House and the Serjeant at Arms outlines the history of the Sessional Orders and Resolutions.² All the current ones date from 1713 or earlier. Until November 1842, they were passed after the debate on the Queen's Speech had been adjourned on the first day, or on the following day; since then, they have been put to the House when it reassembles in the afternoon following the delivery of the Queen's Speech at the State Opening of Parliament, but before the moving of a humble address in reply. On occasions, other motions such as writs for by-elections have been taken at this point, but the only other item of business regularly taken then is the first reading of the Outlawries

¹ These memoranda are not printed with this Report, but an updated version by the current Clerk of the House and Serjeant at Arms, incorporating most of the previous material, appears at Ev 1–6.

² See Ev 1–2, 4–5; Q 20

Bill. This item embodies a principle mentioned in a minute of 1609, that when Parliament has been opened, the House should assert its freedom to consider matters of its choosing, before turning to the reason for its summons as expressed in the Queen’s Speech.³ This practice takes only a few seconds **and we recommend that it should continue.**

6. The Clerk pointed out that, in the absence of an Order of Business for the first day of a Session, the Orders and Resolutions are proposed to the House without notice and have to be read out in full: they have on occasion given rise to debate and even (in 1984) a division. During this time, Members are waiting to debate the Queen’s Speech, and the reading out of the Orders and Resolutions sometimes proceeds against a level of background noise that does not add to the dignity of the occasion.⁴

7. The Orders and Resolutions are not immutable. The Clerk’s paper lists several Sessional Orders that have been either converted into standing orders or abolished, in the light of changing circumstances,⁵ and we therefore need to consider whether the remaining Orders and Resolutions perform any useful function. Even though—as suggested to the Clerk by one of our members⁶—there is an argument for the House to begin a new Session by reminding itself and others of matters which it considers important, the current procedure makes no distinction, for example, between the protection of witnesses (which the House can enforce) and taking action against those acting corruptly at elections (responsibility for which was transferred to the courts in 1868). It cannot improve the standing of the House for it to assert, year after year, that it “will proceed with the utmost severity” against persons involved in corrupt practices at elections when it has no intention of, or responsibility for, doing so. Nor do the current Orders and Resolutions encompass the full range of rights and privileges to which the House might wish periodically to draw attention.

8. Putting to one side for a moment the Order relating to the Metropolitan Police, with which we deal at length in the next section of our Report:

- the Resolution about bribery and the provision for Members to withdraw during any debate on any dispute on their return are obsolete and misleading, as responsibility for election offences and disputes now belongs to the courts, not to the House;
- the provision about double returns (two Members returned for the same seat) relates to an event which cannot now take place;
- the provision about Members returned for more than one place (which last happened in 1910) is unlikely ever to be needed but could be dealt with once and for all (see below);
- the Order for the printing of the Votes and Proceedings (the formal daily minutes of the House) is unnecessary (the Order of Business and the Journals are printed without

3 See Ev 1, para 4 and footnote 3; also Q 20. The House of Lords gives the Select Vestries Bill a first reading before the debate on the Queen’s Speech for the same reason.

4 Ev 1–2, Qq 1, 13, 20

5 Ev 5–6

6 Q 19

such an Order) and the provision that the Speaker should peruse them before they are printed is not normally carried out;

- the Resolutions against tampering with witnesses and giving false evidence have some value as statements of intent, but they do not add anything to the House’s powers to deal with contempts or (in the case of tampering with witnesses or the giving of false evidence on oath) the statutory powers.⁷

9. We therefore recommend that—

- a) **the passing of the Sessional Orders and Resolutions relating to elections, witnesses and the Votes and Proceedings be discontinued;**
- b) **the House should decide, by agreeing to this Report, that all Members who are returned for two or more places in any part of the United Kingdom should choose for which of the places they will serve, within one week after it appears that there is no question about their election for that place.**

10. The survival of the Sessional Orders and Resolutions for so long may reflect a desire by the House to begin the Session with a reminder of matters which it considers important. As we have explained, the Sessional Orders and Resolutions are no longer appropriate for this purpose, but **we recommend that they should be replaced by a statement of the duties and responsibilities of Members, possibly the seven principles of public life as set out in the Code of Conduct⁸ together with historic claims to privilege including those of freedom of speech and freedom from legal challenge embodied in the Bill of Rights 1689; however, we believe that the details might be left to the Speaker’s discretion, perhaps after taking such soundings as seemed appropriate.**

3 Access to Parliament

Order relating to the Metropolitan Police

11. There have been several recent occasions on which demonstrations have blocked Parliament Square and Members and others have been unable to enter or leave the building through the entrance into New Palace Yard. In a free country the right to demonstrate peacefully is highly prized and is a fundamental right, and we have no desire to prevent the public expressing their concerns to Members of Parliament in this way.⁹ However, the Sessional Order is intended to ensure that Members are not hindered in attending the House, and we examine in this section of our Report how it works and whether other measures are necessary to achieve this objective. We also examine other complaints about demonstrations in Parliament Square.

7 Ev 4–5; see also Qq 40–4 about witnesses and Qq 46–7 about Members returned for more than one place in elections.

8 These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership (HC 841 (2001–02)).

9 Previous Acts which prevented large groups of people approaching the Houses of Parliament for specific purposes (Tumultuous Petitioning Act 1661 and s 23 of the Seditious Meetings Act 1817) were repealed by the Public Order Act 1986 (Ev 2).

12. The House's Order to the Metropolitan Police (together with a similar order made each session by the House of Lords) is transmitted to the Metropolitan Police Commissioner, and results in his giving directions to constables under powers in section 52 of the Metropolitan Police Act 1839.¹⁰

13. Directions made under this provision of the 1839 Act can apply to anywhere in the metropolitan police district and may contain measures to prevent obstruction not only of Parliament but also of "Her Majesty's palaces and the public offices, ... the courts ... , the theatres, and other places of public resort". The Commissioner's directions resulting from the Sessional Order relate to the dispersing of assemblies, processions or any other cause of obstruction within a specified area surrounding the Palace of Westminster to enable free passage by Peers and Members on days on which Parliament is sitting.

14. Directions under the Act do not confer any specific powers of arrest on the constables to whom it is addressed; to enforce it, the people concerned need to be informed of the Commissioner's direction, and any subsequent arrest would have to be under other, general, powers, such as for wilfully obstructing a police officer in the execution of his duty, for breach of the peace, or for public order offences.¹¹

15. Thus, although passing a Sessional Order may, in the words of the Clerk, "make the House feel better",¹² it does not confer any extra legal powers on the police, and the Clerk and Serjeant told us that the lack of powers to enforce the 1839 Act mean that "the police's approach to the control of the streets in the immediate vicinity of the Palace of Westminster cannot in practice be different from its approach elsewhere". They conclude that passing the Sessional Order means "that successive generations of Members are encouraged in the mistaken belief that its effect is to confer special and additional legal authority on the police in relation to the precincts of Parliament". As this misapprehension would apply equally to any updated Order, they recommend discontinuing the Sessional Order and considering new legislation.¹³

16. The Metropolitan Police Commissioner also believed that legislation was necessary.¹⁴ In a supplementary paper, he pointed out that powers to impose conditions on public assemblies under section 14 of the Public Order Act 1986 do not apply to groups of under twenty persons and operate only in specified conditions including that the assembly might cause serious public disorder or serious disruption to the life of the community; these powers do not necessarily prevent obstruction.¹⁵

Parliament Square

17. Although demonstrations some distance from Parliament have caused difficulty for Members in reaching the House, a major issue raised with us during our inquiry relates to demonstrations in Parliament Square, opposite the main vehicular entrance to the House

10 See Ev 2 for the texts of section 52 of the 1839 Act and the Commissioner's direction.

11 Ev 2; Qq 9–12, 60

12 Q 26

13 Ev 3, paras 13–14

14 Qq 60, 80

15 Ev 42–3

of Commons (“Carriage Gates”). Complaints that we have received included hindering of access, the appearance of long-standing and visually unattractive demonstrations and the disruption of work in Members’ and staff offices by noise from loud-hailers used by demonstrators. Set against this were representations in favour of the right to demonstrate.

18. Responsibility for Parliament Square is divided. The central garden of the square, including the grassed area, is vested in Her Majesty the Queen, but its control, care and regulation are functions of the Greater London Authority, which in general does not give permission for demonstrations.¹⁶ The pavement, however, is the responsibility of Westminster City Council, which recently sought an injunction to restrain a named individual from obstructing the pavement by displaying there a considerable number of placards. The injunction was refused, notably because, as the pavement is difficult to reach, and is consequently little used by pedestrians, there was no evidence of actual obstruction of passers-by. The judge also took into account the defendant’s right of free expression under Article 10 of the European Convention on Human Rights.¹⁷ Although this demonstration does not impede Members’ access to the House, representations have been made by the Sub-Dean of Westminster Abbey that the long-term display of placards reduces one of the most important squares in London to an eyesore.¹⁸

19. Several recent demonstrations have used loud-hailers, and it has been pointed out that these can be disruptive of work within the Parliamentary precincts. The Serjeant and the Commissioner told us that the issue was being discussed with the Crown Prosecution Service;¹⁹ and Hazel Blears, the Home Office Minister, mentioned the possibility of the use of environmental health laws, but that these might not apply in relation to noise produced in the open air.²⁰

20. Opinion among Members (both those who appeared before us and more generally) is divided. A New Clause proposed to the Anti-Social Behaviour Bill by Graham Allen (but not selected for debate) would have given the Secretary of State the power, on request from the Speaker, to make an order that individuals ‘forming part of any permanent or semi-permanent group on Parliament Square should be dispersed’. This attracted 42 signatures, but was criticised by Mr Corbyn in evidence to us.²¹ Mr Corbyn himself had tabled an Early Day Motion (No 1452) calling on Members to uphold the right to protest in Parliament Square, which attracted 24 signatures (as well as a critical amendment referring to the use of loudhailers). One possibility to remove demonstrations would be to remove the pavement,²² although the Greater London Authority told us that plans for Parliament Square as Phase 3 of the World Squares for All project were only ‘in very formative stages’.²³

16 Greater London Authority Act 1999, s 384(1) and (3); Ev 44–6

17 Ev 3; Qq 16, 18, 74, 89–91, 115; *Westminster City Council v Haw*, Queen’s Bench Division, October 2002

18 Ev 41–2

19 Qq 20, 96–8

20 Qq 109, 113

21 Q 122

22 Q 121; Ev 44

23 Ev 45

21. For legislation to be produced, the following propositions need to be considered:

- It is not acceptable for any demonstration to prevent, or seriously impede, access to the Houses of Parliament by Members and others whose attendance is necessary for the work of Parliament to go on;
- this is the case whether or not such a result arises from a deliberate attempt to interfere with the work of Parliament (which would be a contempt of one or both Houses);
- specific legal provision might be needed about Parliament; or increased general powers in relation to demonstrations might be sufficient for the police to ensure free movement to and from Parliament;²⁴
- demonstrations which do not significantly impede access should be allowed, but they should be limited in duration, and well organised, to avoid long-term occupations which would limit the number of demonstrations and undermine the aesthetic and environmental value of Parliament Square as an important heritage square (this would apply to other such squares);
- it is unacceptable for work in Parliamentary offices to be regularly disrupted by noise from loud-hailers (as it would be for work anywhere else) and it is unclear whether the law is adequate to prevent this.

22. We therefore recommend that the Government should introduce appropriate legislation to prohibit long-term demonstrations and to ensure that the laws about access are adequate and enforceable. We also expect the appropriate authorities to explore fully the possibility of using existing legislation to control the use of loud-hailers and other amplification equipment; failing that, the Government should consider legislation on this subject.

Westminster Hall

23. The Sessional Order requires the Commissioner not to allow disorder in Westminster Hall, or in the passages leading to the House. As the Serjeant pointed out, this provision dates from the time when Westminster Hall was a public area outside the control of the House authorities. Policing within the precincts is now provided by an agreement between the authorities of both Houses and the Metropolitan Police, and the Clerk and the Serjeant confirmed that this part of the Order is unnecessary.²⁵

Conclusions on the Sessional Order

24. We believe that legislation on demonstrations is the only way to ensure that the police have adequate powers to achieve the result intended by the Sessional Order. Without such legislation, the Sessional Order is misleading; with such legislation, it would be unnecessary.

²⁴ See Q 80

²⁵ Ev 3; Qq 32–3

25. Until the legislation comes into force, however, we believe that it would be sensible to continue with a Sessional Order, to reflect the House's concerns and to act as a marker that it expects Members' access to Parliament to be maintained as far as the existing law allows. (It would also act as an annual reminder that the new legislation had not yet come into force.) References to Westminster Hall and the precincts of the House could, however, sensibly be removed from the Order, and it might also be desirable to insert words to include the whole Parliamentary estate, rather than just the House itself. We therefore suggest that, until legislation is passed, the Order should take the following form:

That the Commissioner of the Police of the Metropolis do take care that the passages through the streets leading to this House be kept free and open and that no obstruction be permitted to hinder the passage of Members to and from this House during the sitting of Parliament, or to hinder Members by any means in the pursuit of their Parliamentary duties in the Parliamentary Estate; and that the Serjeant at Arms attending this House do communicate this Order to the Commissioner.

Formal minutes

Wednesday 5 November 2003

Members present:

Sir Nicholas Winterton, in the Chair

Mr Peter Atkinson

Huw Irranca-Davies

Mr John Burnett

Rosemary McKenna

David Hamilton

Sir Robert Smith

Mr Eric Illsley

David Wright

The Committee deliberated.

Draft Report (Sessional Orders and Resolutions), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 25 read and agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

The Committee further deliberated.

[Adjourned till Wednesday 19 November at Two o'clock.]

Witnesses

Wednesday 2 July 2003

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Sir Michael Cummins, Serjeant at Arms, House of Commons Ev 6

Tuesday 8 July 2003

Sir John Stevens, Metropolitan Police Commissioner,
Superintendent Malcolm Simpson, Public Order Branch Ev 18
Ms Hazel Blears MP, Minister of State, Home Office Ev 24

Wednesday 10 September 2003

Jeremy Corbyn MP, **Mr Nicholas Soames MP**, **Dr Jenny Tonge MP** Ev 30

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Policies of the Greater London Authority on Rallies and Demonstrations
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Oral evidence

Taken before the Procedure Committee

on Wednesday 2 July 2003

Members present:

Sir Nicholas Winterton, in the Chair

David Hamilton
Huw Irranca-Davies
Mr Iain Luke

Mr Tony McWalter
Sir Robert Smith
David Wright

Memorandum by the Clerk of the House and the Serjeant at Arms

INTRODUCTION

1. This paper responds to a request for an updated memorandum about the Sessional Orders and Resolutions passed by the House each session on the day of the State Opening of Parliament, before the debate on the Address in reply to the Queen's Speech. It draws on the papers provided to the Procedure Committee by my predecessor in 1999 and 2002. Following a general introduction, the paper examines at some length the Order relating to the Metropolitan Police and some related issues about the maintenance of order in the immediate vicinity of the Palace of Westminster; there is then a section about the remaining Orders and Resolutions.

2. The House has, for several centuries, passed Orders and Resolutions at the beginning of each Session: currently, there are three Orders and three Resolutions, all of which have been renewed every year since 1713, and sometimes earlier, although they do not appear in their current position, immediately before the report of the Queen's Speech, until November 1852.¹ They refer to elections, witnesses, the Metropolitan Police, and the Votes and Proceedings.

3. The renewal of the Sessional Orders arises from the House's rule that its Orders are taken to expire at the end of the current Session unless it is stated otherwise, usually by declaring the Order to be a Standing Order. The practice of the House on Resolutions is more variable: many of the procedures of the House, for example the rules relating to Members' conduct, matters *sub judice* and the handling of Parliamentary Questions, are based on Resolutions which are not renewed. Some of the Standing Orders originated in Resolutions rather than Orders, and were declared to be Standing Orders either immediately or often several sessions later. Sessional Orders are also used when the House wishes to experiment with a procedure before deciding whether to make it permanent; these Orders are often renewed, but not on the first day of a Session.² A Select Committee on Standing Orders Revision in 1852 was explicitly asked to look at the Sessional Orders as well; as a result, several of the Orders and Resolutions passed regularly at the start of each Session, as well as other Resolutions passed at various dates back to 1667, were converted into Standing Orders. Annex B to this paper lists the history of various discontinued Sessional Orders and Resolutions.

4. The fact that the procedure has lasted so long (with occasional changes of detail) may reflect the importance the House attaches to propriety in elections, the keeping clear of access to the House and the protection of witnesses; it may be that successive generations of Members have believed that these matters should be kept in mind by being renewed; also, the conducting of business before considering the Queen's Speech emphasises a constitutional principle that when Parliament has been opened, the House is entitled to set its own agenda, and is not obliged to consider immediately the cause of its summons, as expressed in the Queen's Speech. This convention is, however, also upheld by the formal First Reading of the Outlawries Bill, and it is suggested that this proceeding alone would uphold the constitutional principle, as it did before 1852.³ The other reasons for dispensing with the Sessional Orders and Resolutions at this point are that

¹ In 1713 (and, for the Resolutions relating to witnesses, 1708) these Orders and Resolutions bore the sidenote "Usual Orders", which may indicate that they were so routine that they had not been consistently recorded in the Journals earlier. The Order relating to the Votes and Proceedings dates from 1680. Until 1852 the Sessional Orders were often passed on the day after the State Opening.

² For example, the Standing Orders relating to Second Reading Committees and Sittings in Westminster Hall originated at Sessional Orders.

³ In the House of Lords, the Select Vestries Bill is read the first time at this point, but the other Sessional Orders (one corresponding to the Commons' Order relating to the Metropolitan Police) and Orders appointing Appellate and Appeal Committees, are taken at the end of the sitting. For a minute of 1609 on the practice of giving a bill a first reading, see CJ (1547–1628) 150; for a full account of the Outlawries Bill ("A bill for the more effectual preventing Clandestine Outlawries") and its predecessors, see House of Commons information Office Factsheet No G21 (formerly No 2), written by W R McKay.

they are proposed without notice, and have occasionally given rise to debate, at a time when Members are expecting to proceed to consider the Queen's Speech, and that some of them are obsolete and potentially misleading. The remainder reflect the settled practice of the House and could be discontinued on that basis.

ACCESS TO THE HOUSE: THE ORDER RELATING TO THE METROPOLITAN POLICE

The text of the Order

Ordered, That the Commissioner of the Police of the Metropolis do take care that during the Session of Parliament the passages through the streets leading to this House be kept free and open and that no obstruction be permitted to hinder the passage of Members to and from this House, and that no disorder be allowed in Westminster Hall, or in the passages leading to this House, during the Sitting of Parliament, and that there be no annoyance therein or thereabouts; and that the Serjeant at Arms attending this House do communicate this Order to the Commissioner aforesaid.

5. This Order has been passed in its existing form in every session since 1842;⁴ before that, it was an Order to the Constables and other Officers of Middlesex and Westminster, which had been made regularly since 1713. The text of the previous Order is set out in Annex A.

The 1839 Act and the Commissioner's Order

6. The powers under which the police would give effect to this Order are not conferred by the House but are contained in the Metropolitan Police Act 1839, which provides in section 52:

It shall be lawful for the Commissioner of Police from time to time, and as occasion shall require, to make regulations for the route to be observed by all carts, carriages, horses and persons, and for preventing obstruction of the streets and thoroughfares within the metropolitan police district, in all times of public processions, public rejoicings, or illuminations, and also to give directions to the constables for keeping order and for preventing any obstruction of the thoroughfares in the immediate neighbourhood of Her Majesty's palaces and the public offices, the High Court of Parliament, the courts of law and equity, the police courts, the theatres, and other places of public resort, and in any case when the streets or fares may be thronged or may be liable to be obstructed.

7. The Sessional Order, and the equivalent Order passed by the Lords, are conveyed to the Commissioner of the Police, who directs his constables to enforce the Act as follows:

I, the Commissioner of Police of the Metropolis, do hereby give the following Directions to all Constables—

1. That they shall disperse all assemblies or processions of persons causing or likely to cause obstructions or disorder on any day on which Parliament is sitting within the area specified hereunder:

East side of the River Thames between Waterloo and Vauxhall Bridges, Vauxhall Bridge Road, Victoria Street (between Vauxhall Bridge Road and Buckingham Palace Road), Grosvenor Gardens, Grosvenor Place, Piccadilly, Coventry Street, New Coventry Street, Leicester Square (north side), Cranbourn Street, Long Acre, Bow Street, Wellington Street, crossing Strand and Victoria Embankment to Waterloo Bridge.

2. That they shall prevent or remove any other cause of obstruction within the said area so that every facility shall be afforded for the free passage of Peers and Members to and from the Houses of Parliament on any day on which Parliament is sitting.

8. Before any action can be taken against an offender it is necessary for an officer to inform him or her of the details of the Commissioner's Directions. The powers by which the direction is enforced come not from the Sessional Order, but from statute law. Although the 1839 Act gives the police powers to keep the streets free from obstruction, it does not give them the power to arrest those who disobey their instructions. Powers under other statutes to act against obstruction of the highway are limited. However, wilfully obstructing a police officer in the execution of his duty is an arrestable offence and it is possible that this could be invoked against anyone failing to obey police instructions intended to enforce the Sessional Order. Otherwise the police have to rely on the provisions of the general law relating to public order and breach of the peace. These powers are of course available to them irrespective of the sessional resolution.

9. There were formerly Acts of Parliament preventing more than ten persons repairing together to the Houses of Parliament to present a petition (Tumultuous Petitioning Act 1661), or more than 50 persons to meet together within the distance of one mile from the gate of Westminster Hall (except places in the parish of St Paul's, Covent Garden), to consider or prepare a petition or other Address to one or both Houses on any day when those Houses shall meet and sit (section 23 of the Seditious Meetings Act 1817); however, these Acts applied only if the people concerned were proposing to present a petition or Address, and they were repealed by the Public Order Act 1986.

⁴ Before the 1920s it referred to Commissioners (plural).

WESTMINSTER HALL

10. The reference in the Sessional Order to Westminster Hall is something of a special case. At the time that the Metropolitan Police Act was passed, Westminster Hall provided an important access to Parliament, but was a public space, and was not within the precincts of the House (and so was outside the control of the Serjeant at Arms). It was, however, part of the Palace of Westminster, and so not necessarily covered by the Act itself, which is directed at “streets and thoroughfares”. The Sessional Order, by specifying Westminster Hall and the passages to the Commons, was presumably intended to bring this area under police control. The House authorities can now intervene to prevent disruption in Westminster Hall, since in 1965 its control was vested in the Lord Great Chamberlain and the Speakers of the two Houses.

PARLIAMENT SQUARE

11. Mr Speaker has for some time been concerned about the use of Parliament Square for unsightly and occasionally disruptive demonstrations; and many Members have expressed the view that more recent demonstrations against the war in Iraq have constituted an unacceptable intrusion into their working environment. Responsibility for Parliament Square is complex. The pavement immediately opposite Carriage Gates falls under the responsibility of Westminster City Council, as the highway authority. The land comprising the central garden of the square (which includes the grassed area) was vested in Her Majesty as part of Her hereditary possessions and revenues by section 384(1) of the Greater London Authority Act 1999; but by virtue of section 384(3) of the same Act, the “care, control and regulation” of the central garden are functions of the Greater London Authority. This division of authority adds to the difficulties facing the police and the House authorities when they attempt to apply the principles underlying the historic sessional order to present day circumstances.

12. Last year Westminster City Council sought an injunction in the High Court to restrain a named individual from obstructing the pavement opposite the House of Commons by displaying there a considerable number of placards supporting his protest against the policies of the Government in relation to Iraq. In judgement given on 4 October 2002 Mr Justice Gray declined to grant the injunction. Among other things, he observed that “the pavement which surrounds the grassed area in Parliament Square is not easily reached by pedestrians”, and that there was no evidence of actual obstruction of the relatively few pedestrians who do use the inner pavements of the square. Further, and more crucially, he referred to the defendant’s rights of free expression under Article 10 of the European Convention on Human Rights and to “the importance to be accorded to the right of freedom of expression, especially in the context of political discussion or debate”. Using these two considerations to assess the reasonableness of the defendant’s activities, the judge concluded that there was “no pressing social need to interfere with the display of placards so as to protect the right of others to pass and re-pass”.

CONCLUSIONS

13. The sessional order to the Metropolitan Police is still seen by the House as having serious, practical significance; but its wording does not match the present physical surroundings of the House; and, however it were to be worded, it would not convey any legal authority on the police above and beyond the provisions of the general law. The Metropolitan Police Act 1839, which is formally linked to the process of responding to the sessional order, is concerned with many public areas in the capital and was not primarily intended as a protection for Members; moreover the Act’s lack of effective enforcement powers means that the police’s approach to the control of the streets in the immediate vicinity of the Palace of Westminster cannot in practice be different from its approach elsewhere. In these circumstances the disadvantage of putting the sessional order to the House every year, at a time when the House is full for the Queen’s Speech debate, is that successive generations of Members are encouraged in the mistaken belief that its effect is to confer special and additional legal authority on the police in relation to the precincts of Parliament. The Committee may wish to consider whether, for this reason, it would be better to abandon the sessional order altogether, rather than attempt to update its wording.

14. I understand that the Committee intends to take evidence from the Metropolitan Police and the Home Office on these issues. Subject to their views, it would appear that new legislation would be needed to change the situation to a significant degree. Such legislation might replace the 1839 Act and resolve the current division of responsibility for Parliament Square. It could also provide more specifically for the regulation of activities in Parliament Square. Human Rights Act considerations might well, however, limit the extent to which restrictions could be placed on protests and demonstrations or greater powers be conferred on the police solely by reference to proximity to the Palace of Westminster.

OTHER SESSIONAL ORDERS AND RESOLUTIONS

Elections

Ordered, That all Members who are returned for two or more places in any part of the United Kingdom do make their Election for which of the places they will serve, within one week after it shall appear that there is no question upon the Return for that place; and if any thing shall come in question touching the Return or Election of any Member, he is to withdraw during the time the matter is in debate; and that all Members returned upon double Returns do withdraw till their Returns are determined.

15. There are three parts to this Order.

- (a) *Members returned for more than one place*: The last such return occurred in 1910,⁵ and it is only this Order which prescribes what should be done about it. The prospect of a Member being returned for two places is now so remote that the Sessional Order could be considered to be obsolete. If it were to happen, the House could pass a specific Order to deal with the matter; or the Committee could recommend that this part of the Order should be regarded as the practice of the House, even if the Order as a whole is not renewed in future.
- (b) *Members to withdraw during debate on any dispute about their return*: Responsibility for the determination of controverted elections was transferred from the House to the courts in 1868. Moreover, the House's *sub judice* rule now prevents discussion of matters before a court, which makes any debate on the return of a Member practically impossible. There seems no reason to preserve an order which so clearly relates to historical, rather than current, practice.
- (c) *Members returned upon double returns*: A double return could formerly occur when two candidates obtained equal votes and the returning officer either did not have a vote or declined to use it, in which case two names were returned instead of one. However, since the 1949 Representation of the People Act, an equality of votes requires a choice to be made by lot, so a double return can no longer occur.

Resolved, That if it shall appear that any person has been elected or returned a Member of this House, or endeavoured so to be by bribery, or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

16. Corrupt or illegal practices at elections, including bribery, are now covered by statute law (currently contained in the Representation of the People Act 1983).

WITNESSES

Resolved, That if it shall appear that any person has been tampering with any witness, in respect of his evidence to be given to this House, or any Committee thereof, or directly or indirectly has endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime and misdemeanour; and this House will proceed with the utmost severity against such offender.

Resolved, That if it shall appear that any person has given false evidence in any case before this House, or any Committee thereof, this House will proceed with the utmost severity against such offender.

17. The Witnesses (Public Inquiries) Protection Act 1892 provides penalties for those who intimidate witnesses before Committees of the House, and perjury (which applies only to evidence given under oath) could be dealt with under the Perjury Act 1911. More generally, both interfering with witnesses and giving false evidence would fall within the definition of a contempt given in Erskine May (22nd Edition, p 108),⁶ and could be dealt with accordingly. The Resolutions therefore do not confer any power on the House which it does not possess irrespective of the Resolutions.

VOTES AND PROCEEDINGS

Ordered, That the Votes and Proceedings of this House be printed, being first perused by the Speaker.

18. This Order reflects a decision in 1680 that the Speaker should peruse the Votes and Proceedings each day; before then a Committee was appointed to look into the Clerk's books once a week. The "perusing" is not in fact carried out, but is the reason for the Speaker's name (theoretically his signature) appearing at the end of the Votes and Proceedings (it does not appear in the Journals, the sessional cumulation of the Votes and Proceedings, which in other respects are almost identical). The corresponding Order in relation

⁵ Mr William O'Brien was elected for the City of Cork and for the County of Cork (North East Division). He chose the City of Cork.

⁶ "Any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty: or which has a tendency, directly or indirectly, to produce such results."

to the Journals was abolished in 2000, together with provisions about appointing who should print the Journals and the Votes and Proceedings) and other House papers such as the Order of Business are printed without such a specific Order. If the Committee were minded to recommend abolition of this Order, I should consult the Speaker as to whether his name should continue to appear.

Annex A

THE FORM OF THE ORDER RELATING TO ACCESS TO THE HOUSE BEFORE 1839

Ordered, That the Constables, and other Officers, of Middlesex and Westminster, do take care, that from Nine of the Clock in the Morning to Three in the Afternoon, during this Session of Parliament, the Passages through the Streets between Temple Bar and Westminster Hall be kept free and open; and that no Obstruction be made by Cars, Drays, Carts, or otherwise, to hinder the Passage of the Members to and from this House; And that the Serjeant at Arms attending this House do give Notice of this Order to the Officers aforesaid.

Ordered, That the Constables in waiting do take care there be no Gaming, or other Disorders, in Westminster Hall, or Passages leading to the House, during the Sitting of Parliament; and that there be no Annoyance, by chair-men, footmen, or otherwise, therein or thereabouts.

Ordered, That the said Orders be sent to the High Bailiff of Westminster: And that he do see the same put in execution.

Annex B

SELECTED SESSIONAL ORDERS WHICH HAVE BEEN DISCONTINUED

Ordered, That the Serjeant at Arms attending this House do, from time to time, take into his Custody any Stranger or Strangers that he shall see, or be informed of to be, in the House or Gallery, while the House, or any Committee of the House, is sitting.

This Order, which was in fact not carried out, at least by the early years of the 19th century, as Strangers were usually admitted to the Gallery on payment of a fee, was converted to a Standing Order in 1852, with a change to refer to such parts of the House or Gallery reserved for Members, and to Strangers who misconduct themselves during a Sitting or do not withdraw when required to do so. It is now SO No 162 (Duties of the Serjeant at Arms in respect of strangers).

Ordered, That no Member of this House shall presume to bring any stranger into any part of the House or gallery appropriated to the Members of this House while the House, or a committee of the whole House, is sitting.

This Order was also converted into a Standing Order in 1852 and remains unchanged as SO No 163 (Places to which strangers are not admitted).

LETTERS

That to prevent the intercepting or losing of Letters directed to Members of this House, the person appointed to bring Letters from the General Post Office to the House, or some other person to be appointed by the Postmaster General, do for the future, every day during the Session of Parliament, Sundays excepted, constantly attend, from Ten of the Clock in the morning till Seven in the afternoon, at the place appointed for the delivery of the said Letters, and take care during his stay there, to deliver the same to the several Members to whom they shall be directed or to their known servant or servants, or other persons bringing notes under the names of the Members sending for the same.

That the said Officer do, upon his going away, lock up such Letters as shall be remain undelivered; and that no Letter be delivered but within the hours aforesaid.

That the said Orders be sent to the Postmaster General at the commencement of each Session.

That, when any Letter or Packet directed to this House, shall come to Mr Speaker, he do open the same; and acquaint the House, at their next sitting, with the contents thereof, if proper to be communicated to the House.

These were also converted into Standing Orders in 1852, but were repealed as obsolete in 1996 on the recommendation of the Procedure Committee, except for the third Order, which was repealed in 1933.

VOTING BY PEERS

Resolved, That no Peer of the Realm, except a Peer of Ireland, hath any right to give his vote in the Election of any Member to serve in the Parliament.

This (the exception for Peers of Ireland was introduced in 1964 in line with the Peerage Act 1963)⁷ was abolished in 2000 following the passing of the House of Lords Reform Act 1999. Peers with seats in the House of Lords are still disqualified from voting under common law.

VOTES AND PROCEEDINGS AND JOURNALS

Ordered, That the Votes and Proceedings of this House be printed, being first perused by the Speaker, and that she do appoint the printing thereof; and that no person but such as she shall appoint do presume to print the same.

That the Journal of this House, from the end of the last Session to the end of the present Session, with an Index thereto, be printed.

Ordered, That the said Journal be printed by the appointment and under the direction of . . . , the Clerk of this House.

Ordered, That the said Journal and Index be printed by such person as shall be licensed by the Speaker, and that no other person do presume to print the same.

The part of the first Order relating to “appointing” the printing of the Votes and Proceedings, and the other three Orders, were discontinued in 2000, to recognise that the appointment of a printer (currently The Stationery Office Ltd) is now arranged by contract signed by the Clerk of the House. House publications now enjoy the protection of the copyright law, and there is no need for any sessional order to protect them from pirating.

Witnesses: Mr Roger Sands, Clerk of the House of Commons, and *Sir Michael Cummins*, Serjeant at Arms, House of Commons, examined.

Q1 Chairman: Can I welcome Sir Michael Cummins, Sergeant at Arms to the House of Commons, and Mr Roger Sands, Clerk of the House of Commons, to help us with our, I think it will be, relatively short inquiry into Sessional Orders. We have received papers. Can I, from the chair, ask you the first question. Is it in fact a fair summary of your paper to suggest that all the Sessional Orders—and I think there are six of them—and Resolutions are either unnecessary or misleading and should therefore be discontinued?

Mr Sands: I think that probably the Serjeant is only concerned with the Metropolitan Police one and I will be relying on him very heavily when we come to that one. Yes, I think that is a fair summary. As you know, this inquiry was very much the initiative of my immediate predecessor, Sir William McKay; he was very keen that the Committee should look at these Sessional Orders. So, this paper is heavily indebted to his work with the exception of the part about Parliament Square. He was, and indeed still is, a very considerable historian of parliament and a great defender of its traditions and privileges; but I think he felt—and I am bound to say that I agree with him—that this is a case where something which one might, a few years ago, have regarded as just a quaint survival has now tipped over the borderline and has become a bit of an embarrassment. Just to set the scene for the Committee, although I am sure they remember, we are talking about the afternoon immediately after a State Opening when the House is very full and Members are all there waiting for the debate on the Queen’s Speech. Particularly at the

start of a new Parliament, the eyes of the world are literally on the House because one might have a new Government and certainly one has a Government with a new programme. Then, the very first thing that happens is—we have no order paper, so these motions are not actually down on the order paper and they therefore have to be read out word for word by the Speaker and the language is somewhat archaic. These motions are in fact debatable and have on occasions been debated and I have one precedent here where the Liberal Democrats, who were feeling aggrieved about something or other, forced a vote on the final one, on the Votes and Proceedings. So, it somehow seems to set the wrong tone and pattern for a new session. Then, even beyond the issue of tone and style, when you get below that to the substance of some of these Sessional Orders, you find, as the analysis shows, that many of them are actually anomalous, do not fit in with other legislation and do not reflect the realities of the present situation.

Q2 Chairman: Sir Michael, do you wish to add to that?

Sir Michael Cummins: I obviously deal more with the practicalities as opposed to the procedural aspects of this issue and I, for example, religiously write to the Commissioner of Police after every State Opening of Parliament and transfer the wishes of the House with regard to the Metropolitan Police Standing Order regarding access and the safeguarding of access and it is a case that one believes what one writes and one hopes or trusts that

⁷ A limited exception had existed since 1802 for peers of Ireland currently elected to the House of Commons for a seat in Great Britain.

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that will be observed by the Metropolitan Police and I know that Members feel exactly the same and many come up to me and ask, "What are you doing about the Sessional Order if it goes wrong?" and I quite understand their feelings. However, in practical terms, I have now learned over many years' experience that the practicalities of modern legal processes with regard to that Sessional Order are now extremely limited.

Q3 Chairman: Can I just be specific for a moment. One of those Sessional Orders and Resolutions talks about the need to guarantee access to the House by Members. Are you saying that, as it stands, that is really no longer necessary or can be enforced? I have to tell you that, from my own experience since I have been a Member of this House, when, on two occasions, I marched with textile workers from Hyde Park to demonstrate our concern about the way in which Government were dealing with the textile and clothing industry, the closest we were allowed to come in a well-ordered march and demonstration was the Tate Gallery. When was it decided or when did the leak or break-through take place that allowed such marches and demonstrations to come into Parliament Square itself?

Sir Michael Cummins: I think this has been a progressive process and, certainly over the past three or four years since I have been Serjeant, I can give you a couple of examples, if I may. One example is the Chinese movement, Falang Gong, decided to lie down in Whitehall; they blocked Whitehall to Members and the general public and traffic going along Whitehall. The police were extremely reluctant to remove them. Similarly, during the beginnings of the Iraq conflict, a number of schoolchildren came here; they got into Parliament Square, laid down outside Carriage Gates and exactly the same happened: the police were extremely reluctant to move them. When I summoned the Commander who was in charge of public order, he told me, "We are really up against it. If we lift up these children and if one of them grazes his knee, for example, we are in for legislation against us on that score." So, I think that the police are now remarkably careful and conservative about what they actually do in terms of physically removing people who are evidently denying access to Members, for example through Carriage Gates or elsewhere.

Q4 Chairman: Almost anarchy!

Sir Michael Cummins: You could say that.

Mr Sands: Perhaps I should just pick up the point about your textile workers. I imagine that you were regarded as perhaps a tumultuous petition for the purpose of the Tumultuous Petitioning Act 1661, which was only repealed in 1986. I do not know if this was pre-1986.

Q5 Chairman: I think it was.

Mr Sands: That provided that not more than 50 persons could meet together within the distance of one mile from the gate of Westminster Hall, which seems to fit the description of the circumstances.

Q6 Chairman: I knew I could rely upon the Clerk of the House to provide me with the historical information which I had not been able to find out until this moment!

Mr Sands: If you were not a tumultuous petition, you were a seditious meeting!

Q7 Sir Robert Smith: Do you have any background as to why that was repealed or was it in the context that something had replaced it or was it just seen to me . . . ?

Mr Sands: I have no background to that. I think that probably it was just part of the general trend to get rid of acts which were regarded as quaint, old-fashioned and outdated.

Q8 Sir Robert Smith: Sir Michael, we have touched on it already in terms of liaison, but is there a liaison prior to marches etc near the Houses of Parliament between the House authorities and the Metropolitan Police, or long-term demonstrations in Parliament Square?

Sir Michael Cummins: We do work very closely with them and we make every effort to warn the Metropolitan Police if we know of any outside demonstration which is likely to threaten access, as they do exactly the same. That liaison with the police is very much the strength of our system here. The police are always very willing to listen and to do whatever they can to co-operate with us, but I am afraid to say that it appears that they are bound by current legislation which does not enable them to do as much now as they could formally, as you have described, Chairman.

Q9 Sir Robert Smith: In the briefing, it says that the current Sessional Order does not actually give them any powers to implement, except the sort of general powers that they have.

Sir Michael Cummins: Indeed. The current Sessional Order, under which I send to the Commissioner every year, is written in very general terms.

Mr Sands: The legal position appears to be that the Sessional Order triggers off the Commissioner to give directions under this Act of 1839 and he still does that; he still does issue these directions. The trouble is that, to implement those directions, first of all you have to be sure that people who might be creating a disturbance or an obstruction within the designated area are aware of the directions; they have to be aware of them before they can be deemed to have contravened them. So, you actually have to go and tell them. Failure to comply with such directions is not an arrestable offence as I understand it, so this creates a double difficulty for the police and I think leads them to feel that it is not a power under which they can act.

Q10 Chairman: Are you saying that obstruction of the public highway is no longer an offence?

Mr Sands: No, I am not saying that. I am saying that the chain of direction that leads from the Sessional Order to the directions issued by the Police Commissioner to his local forces under the 1839 Act does not lead to any realistically enforceable powers. I think that is what the Commissioner will tell you.

Q11 Sir Robert Smith: Obviously the Commissioner is going to give evidence, so that will help us.

Mr Sands: If it is any help, I can just read to you a letter that the then Home Secretary, Jack Straw, sent to the Speaker in December 2000.

Q12 Chairman: Please do.

Mr Sands: He said, "You will be aware that the Sessional Order does not give the Metropolitan Police any powers over and above those they have under the statutory provisions relating to public order" and, by that, I think he meant the general statutory provisions.

Q13 Mr Luke: I was glad to hear about this issue to do with tumultuous disorders. In a former life, I was an appointee of the Council, as a Justice of Peace and, before 1974, that would have conferred on me the title of Bailie, which would have meant, underneath the Scottish Act, as a local magistrate and I would have been able to read the Riot Act to you and, on that sort of occasion, if there was a large crowd under statute, I would ask you to disperse. However, we have never had that chance to meet in a previous life! We have been talking about Sessional Orders and their status and your veracity in the modern world. Is there any scope for improving these Sessional Orders to make them work more effectively or is there a case to remove them completely and, where appropriate, replace them with legislation?

Mr Sands: You could, in principle, go through the ones which are not completely out of date because they are dealing with situations which could not arise now (which is the case with one or two of them) and you could modernise their wording and put them to the House in a somewhat more modern, if I dare use that word, form. However, you would still have the problem that they are motions put to the House without notice and they are debatable at a time when the House wants to get on to other things and it would still be the case that you could deal with all the issues that the Sessional Orders deal with in another way, either by standing orders or in some other way.

Q14 Chairman: I want to press you on this and then I am going to ask Tony McWalter to come in. Iain Luke asked specifically whether it was necessary to introduce legislation in order to achieve what we want. So, is it legislation which is "in some other way", to use your phrase?

Mr Sands: Are we talking about the Metropolitan Police Order here?

Q15 Chairman: I am talking about the Sessional Orders with particular reference to guaranteeing open and ready access to Members and other important individuals who need to come to the Palace of Westminster. Are you suggesting and will the Metropolitan Commissioner suggest to us that legislation is the only way to resolve this matter? Is that what you meant?

Mr Sands: Yes, it is. In the case of that particular Sessional Order about access to Parliament, that is exactly what my memorandum ends by suggesting, although recognising that I am sure the Home Office will advance difficulties about that in regard to human rights and the need to comply with the European Convention. I think that the present situation in Parliament Square is such a legal tangle that new legislation is the only way in which I can envisage us getting out of it.

Q16 Mr Luke: Do you have legislation to replace the 1839 Act and would such legislation replace the 1839 Act as you make clear in your memorandum?

Mr Sands: Yes, but it would not just do that. One of the things that my memorandum draws attention to is the problem caused—and the Serjeant will be able to say more about this because he has been more directly involved—by the split of responsibility for the central part of Parliament Square. The Speaker, as you know, is very agitated by the gentleman who has been there for almost years now with his banners up. He is actually occupying pavement which comes under the control of Westminster City Council and it was Westminster City Council that brought the case to try and evict him, unsuccessfully. The central part of the Square, the grassed area, which people occupy when there are much larger demonstrations, comes under the control of the Greater London Authority under the Greater London Authority Act 1999, under a clause which was added to the Bill at a very late stage in the House of Lords—I think it was on report or third reading in the House of Lords. The Commons hardly saw this clause and certainly did not have an opportunity to debate it—and it would appear from the debate in the House of Lords that what the Government were principally concerned about when putting this provision in and providing for the Greater London Authority to have a power of regulation over that central area was the possibility of it being occupied by street traders. You will know that there was a lot of concern about street traders in St James's Park and around Buckingham Palace and I think the fear was at the time that they might spill over into Parliament Square. Of course, that has not proved to be the problem at all.

Q17 Chairman: What is the status of the grass area of Parliament Square? What is it designated as?

Mr Sands: It is part of the hereditary property of the Crown but the control and regulation of it and the duty to maintain it are functions of the Greater London Authority under a section of the Greater London Authority Act and that situation is obviously quite difficult.

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Q18 Chairman: Serjeant, do you want to add anything?

Sir Michael Cummins: If I could just add to what the Clerk has said on that score. The present occupant of Parliament Square, whom we all know very well I think, is very clever in that he does not actually occupy the grassed area. He now occupies the pavement area, which was the basis of the case brought by Westminster City Council to try and remove him from that area, which of course failed and the judgment in that case was brought by citing by the judge various elements of the Human Rights Act, for example, which allows him to make a reasonable demonstration in that area. The pavement, sadly, goes nowhere; it is not thought to be a blockage of access ways for other people and therefore he is on quite a tight but reasonable wicket in being there in that area at the moment.

Q19 Mr McWalter: The question that I was going to ask was ten minutes ago, so it will throw us back a little, and it relates to the business initially when you were talking about these Sessional Orders being read out. It does seem to me that they are really awful but presumably one aspect when Parliament is convening for the first time in a new session is to have some reminder of the authority and the dignity of the Speaker. In other words, you would expect that the first thing to happen would be that the Speaker would say something which would sound dignified. It might remind Members of their duties and possibly might remind Members—as we have been discussing in this Committee, for instance—of the courtesies of debate where Members increasingly light in for their own part of the debate and disappear before they have even heard anybody else contribute to the debate, sometimes do not attend ministerial windups at the end and so on. There is potentially scope for the Speaker to say something that sounds authoritative, relevant and which actually involves him bringing the House to order for the next session. I would hope, Chairman, that we might find a way of having something done at that beginning session and a form of wording which is dignified and which is actually relevant and which does actually, as it were, constitute the House in its new proceeding. I do not know whether either of our witnesses has thought that that sort of mood would be appropriate.

Mr Sands: It is not an idea that I had heard before, a homily by Mr Speaker.

Mr McWalter: I do not mean a homily, I just mean simply that, not least, the Members of the House could be reminded of something relevant to the effective conduct of procedures, but also does involve him in being part of, as it were, what Badgett called “the dignified state” and I think it is quite important that we have some reference back in time in that way.

Chairman: I think that Mr McWalter is making a very good point. What he is trying to establish is that the Speaker is standing up for the authority of the House and the right of duly-elected Members of the House to have at all times access to Parliament.

Mr McWalter: I was not saying that particularly, Chairman.

Chairman: And doing it in a way which actually provides the majesty if you like, the dignity of the occasion.

Q20 Mr McWalter: It need not be long.

Mr Sands: I certainly understand the psychology behind Mr McWalter’s suggestion. It is soundly based in parliamentary tradition because the one thing that the memorandum suggests should continue is the first reading of the Outlawries Bill and the historical significance of that is that that is the way that Parliament demonstrated its ability and determination to transact business other than that that was being laid before them by the Executive in the Queen’s Speech. To that extent, I agree with Mr McWalter, it is quite a good part of that tradition that the Speaker gets the first word before we go to the moving of the humble address and I am sure that some way could be found to do that. I just fear that the effect of what he now has to read out is rather the reverse. It diminishes his authority because people are laughing and chacking and it does not reflect well on his dignity.

Mr McWalter: I was in a meeting in W2 on Monday and it was impossible to actually conduct our business because of the cacophony from the site in question and the effect was that it was impossible to proceed with business which obviously we are enjoined to do by our electorate. Surely, it is the case that there must be some breach somewhere here if people are making such a din that Members of Parliament are utterly unable to conduct their business. Has that avenue been pursued?

Q21 Chairman: I think that is a matter for the Serjeant.

Sir Michael Cummins: I understand that there is some legislation with regard to nuisance and noise comes into this. What the police have done so far is that they have taken some environmental experts to Parliament Square, they have measured the level of the noise put out by what we all know are very large loudspeakers functioning in the evening and a case is now going to the Crown Prosecution Service to assess whether that is substantial evidence that can be brought to stop this noise coming about. Sadly, the police do feel that they can do nothing peremptorily without such a court case being brought.

Q22 Chairman: While we are on that—and this is a matter which occurred at the Ways and Means Panel of Chairmen meeting this morning—it was raised that the Tate Gallery is promoting itself with a boat that is going up and down the river outside the Houses of Parliament playing music extremely loudly. I think that some of the music perhaps on one occasion is tolerable—it was either *My Fair Lady* or something of that sort. Complaints were raised that those in Committee found it extremely difficult to concentrate upon the matters before them. I wondered whether matters relating to noise nuisance from the river, in this case by a boat

promoting I am not sure whether it was the Tate Gallery or the New Tate going up and down the river, is something again over which we can have some control and, if the noise is inconvenient and a noise nuisance to Members working particularly in Committees, I wonder whether there is anything that can be done.

Sir Michael Cummins: Was this a recent event?

Q23 Chairman: Yes, very recent. This week, I understand.

Sir Michael Cummins: With respect, you may have it wrong about the boat. I do not think it was the Tate Gallery boat which caused the noise. I understand that today the Mayor of London is opening a bridge across The Thames and I think he is also opening the pedestrian walkway in Trafalgar Square. Those two events have caused loudspeakers to be erected in the area of Hungerford Bridge which had caused the noise which floats down the river towards us. It took me quite a long time to find out where the noise was coming from this morning because the Speaker had exactly the same point and I think that noise was purely from those rehearsals of celebrations first of all and today's actual celebrations of those two events.

Q24 Chairman: One cannot comment on the activities of the Mayor of London except to say that I would have thought, having served in the House, he would have had some understanding, without being too frivolous in any way. Can I also suggest that the facts that I have stated or the case that I have stated may also be in addition to what you are talking about because certainly the Member who raised it in the Panel meeting stated quite clearly "the Tate Gallery". I have to say that I am not sure and I suspect that the clerk, Mr Cranmer, may well be approaching you but, when I indicated that I would be meeting you this afternoon, he said, "Sir Nicholas, you will carry much more weight with the Serjeant at Arms than I will, so, if you could raise it as well, I will do so later."

Sir Michael Cummins: I will look into it and I will send a note to the clerk with my findings.¹

Q25 David Wright: I would like to return to one of the issues about permanent demonstrations and also the noise involved. Clearly, the Palace of Westminster and its environs are a World Heritage site and clearly one of the things that is a problem here is that people visit the House and see this incredibly unsightly display of what can only be described as rags and flags along the pavement outside Parliament Square. One of the things that strikes me is, first of all, does the area need to be designated a pavement if it is going nowhere? Secondly, would it be appropriate within a sort of restructuring of the Sessional Orders to look at

whether we could permit demonstrations whilst Parliament is sitting? For example, the Countryside Alliance had a very good demonstration the other day. I did not agree with them, but it was very, very well managed, there were some very impressive temporary structures erected and then, when Parliament finished at the end of the day, they were removed and fair play to them for that. Would that not be a better approach? I think that we have to get a balance between the right to demonstrate, clearly looking at European legislation which I think we would all accept, but we need to be able to remove what is, I think, a fairly unsightly display at the moment.

Mr Sands: I think that would be the key point in the new legislation which I am implying is necessary. The power of regulation which applies to the central area, the grassed area, would, I imagine—although I think it would be necessary to seek further advice about this—cover the regulation of its use for demonstrations and could therefore be used in such a way as to rule out permanent demonstrations, if I can so describe them. That is really what we are talking about. It is the distinction between a one-off demonstration, which is here for a day and then goes and is targeted at a particular parliamentary event, and a permanent eyesore. The trouble is that the permanent eyesore is erected on something which, for the present, is designated as a highway and the judge has said that that obstruction is, in the circumstances, a reasonable obstruction, and it is impossible for the police to go behind that ruling.

Q26 David Wright: Do you think that we could also include staff of Members of Parliament in relation to the Sessional Orders because clearly, in relation to the noise and very often the obstruction, the staff of Members of Parliament are inconvenienced in terms of getting into work and actually supporting Members in terms of delivering a service to their constituents? Do you think there would be a case for looking at issues around Members' staff?

Mr Sands: If you look at the parts of *Erskine May* which cover contempts of the House, obstruction of the business of Parliament has been regarded as a contempt and that covers the staff of Parliament as well as Members of Parliament. It does not specifically apply to Members' staff, but obviously if you are keeping the approaches open, you are keeping the approaches open for everybody who has business in Parliament. I just slightly correct, Mr Wright, and say that he is still referring to the Sessional Order and the burden of what I am saying in my paper is that, however one rewrote the Sessional Order, it just would not help in the end, I am afraid. It might make the House feel better, but it would not help the police carry out the job.

Q27 David Wright: What you are saying is that we have to actually frame a specific piece of legislation or add into a particular Bill that is going through the House.

¹ *Note by witness:* The Tate Gallery boat has no sound system and I can confirm that the music came from the Hungerford Bridge area while, at the same time, the Tate Gallery boat happened to be passing in front of the House.

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Mr Sands: I cannot see any other way out myself. The Home Office may be able to suggest something else to you, but I cannot see it.

Huw Irranca-Davies: Following up on David's point first of all, I was greatly taken by the act of tumultuous petitioners, but much of the discussion we have had so far has been framed around the ease of access for Members, their staff and also constituents as well. However, in this day and age, it is quite simply a question of getting the balance right, but is not one of the aspects at which we should also be looking, if we were to look at framing some legislation, is not of tumultuous petition but actual tumultuous sedation with the threat of terrorism and so on? If we have whether it is temporary structures or permanent structures within such close proximity to the House, I wonder what your views would be on the use of that which could be of assistance to somebody. We are familiar with the Downing Street example where mortar was used from the back of a van. We cannot avoid it entirely, but is that something at which we should be looking within any framing of legislation?

Q28 Chairman: Before you answer that, can I just add, because this is the critical element and certainly I know that you are concerned about it, Sir Michael, security, not only security of the Palace itself but also of Ministers, Members and staff. Is there not a huge security risk with allowing the sort of demonstration that has been there now for so many months?

Sir Michael Cummins: You are absolutely right, of course there is, and it causes me great concern on security grounds. That permanent demonstration there could, for example, as the Chairman and I have discussed privately, hide someone who is going to somehow impede access to a particular Member maybe or indeed do him or her harm. The police now regularly search that area three times a day to ensure there is nothing there. Having said that, those searches only last as long as they last. After the search, then it is quite possible that something may be put there or someone may hide there. Unfortunately, this has not carried much sway with either, I think I am right in saying, the judge in the case that Westminster City Council brought or anybody else for that matter, so we have no great locus in which to put that security context. The Commissioner of the Metropolitan Police feels that he has no further action which he can personally take in this respect.

Q29 Huw Irranca-Davies: If I could follow through on that particular point. One aspect is the assembly of people together with any bags or luggage that they may carry with them. The other aspect is in respect of, whether it is aesthetically appealing or not, any sort of actual temporary erection there to house those banners or whatever. If legislation were to be so framed, should we be looking at totally exempting that area/totally excluding from that area any sort of fixed erections, whether it is for one day or whether it is for a month?

Mr Sands: The details of this are obviously for discussion. Whether you can have a concept of a fixed erection for one day, I am not sure. Of course, we have the experience of the area—I am not sure if that area has ever been used for media structures but certainly Abingdon Green is. During the time when Mrs Thatcher was in the process of being removed from the leadership of her party, it somehow felt that the whole of Westminster had become one vast television studio, there were so many temporary structures out there. So, there are difficulties about being precise and too prescriptive. I would have thought that the regulation of demonstrations and displays is the key thing.

Q30 Chairman: For information, the area that was covered with television cameras and media tents and other things was Abingdon Gardens, almost opposite St Stephen's Entrance and really lying opposite the House of Lords. I cannot myself ever recall seeing permanent tentage or buildings out on Parliament Square. Huw Irranca-Davies has raised an important point. In the legislation that you are suggesting we might recommend to the House, we would deal not only with demonstrations, that is the physical presence of people demonstrating, but also the paraphernalia that they bring with them, whether it would be permanent, as this particular gentleman out here has had now for very many months, or the sort of demonstration that the Countryside Alliance organised on Monday of this week, which was put up and taken down and the place was left absolutely pristine and clean when they had done that. You are saying that this legislation would necessarily deal with that aspect as well?

Mr Sands: I would have thought that was the crucial thing. I see a distinction between what is happening in Parliament Square and seems to be tolerated and the way demonstrations opposite Downing Street are managed. There are a lot of such demonstrations and they sometimes involve the display of placards, but they are kept within a tightly confined area and they do not stay for more than a certain time. So, somehow, there is a power to regulate that and the number one question that I would want to ask the Metropolitan Police Commissioner is, "If you can do that between Downing Street and the Ministry of Defence, why can you not do it opposite the gates of Parliament?"

Q31 Mr McWalter: The answer to that is that the Parliament Square pavement is not basically used much as a thoroughfare and Whitehall is.

Mr Sands: I think that is the answer.

Huw Irranca-Davies: To move on slightly from that, you have mentioned already that the Sessional Orders we have discussed so far have very limited relevance indeed to the current situation. Would the same apply to Westminster Hall? Are the powers to control Westminster Hall fairly independent of the Sessional Orders?

Q32 Chairman: There is a separate Sessional Order dealing with Westminster Hall.

Mr Sands: There is a separate part of the Sessional Order. I think that the Sessional Order dates back to a time when Westminster Hall was in effect a public thoroughfare. It was the way in which you got to St Stephen's Chapel which, until the Great Fire, was where the House of Commons met. So, the physical circumstances have changed and the legal circumstances have too since 1965 when control of Westminster Hall was vested in a triumvirate of the Lord Chancellor, the Speaker and the Lord Great Chamberlain. The Serjeant will probably have further and better particulars.

Sir Michael Cummins: In my letter to the Commissioner every year after State Opening, I do say that no obstruction be permitted to hinder the passages of Members to and from this House and that no disorder be allowed in Westminster Hall or in the passages leading to this House and this really supplements what the Clerk has just said. That is a very archaic message to give to the Commissioner with regard to the former relevance of Westminster Hall with regard to access to the House of Commons.

Mr Sands: We now have effective control up to the perimeter and indeed we have a large and very expensive contract with the Metropolitan Police to provide us with security services within that perimeter. So, the matters which are dealt with in that letter in relation to Westminster Hall are effectively dealt with by our contract with the Metropolitan Police to provide our security around and within the perimeter.

Q33 Chairman: To put it in a nutshell, are you saying that the security and access through Westminster Hall is now adequately catered for without a specific mention in a Sessional Order?

Mr Sands: Certainly.

David Hamilton: I was attempting to get in earlier and I would not like it to be misunderstood, but I remember in the Scottish Parliament, prior to it being established, that there was a permanent site outside the Scottish Parliament for I think three years; it was outside where the Scottish Parliament was going to be. I do not agree that we should do away with permanent sites; I think that an accommodation can be made. I do believe that you have to have the right to demonstrate and the right to establish a view. I understand the point that Huw makes in relation to terrorism, but that of course can be said when you have a train station just the other side and it is very difficult when you talk in terms of the whole of this campus, the whole of Westminster. There are any amount of places from which a terrorism attack could come. There is an old saying in Scotland that you do not throw the bairn out with the bathwater. I think that when you look at what happens across the road, what could be happening, I believe, is that we should not give a prime area for someone who is there every single day of every week of every month over a year or longer, but that that person should be relocated or that organisation should be relocated to another

point to allow people who justifiably come on a daily basis, a one-off basis, to demonstrate in Parliament. To me, that would be a far more constructive way of moving than what we have at the present time. What we have now is a situation where an organisation or an individual has a prime site, and I have been across there on some occasions to meet organisations that have come here, and you find them around the corner because the prime area has been taken. I think that one of the ways of looking at it would be that we relocate that individual or that organisation if they are there for any longer than a set time in order to allow demonstrators who come all the way from all over Great Britain, at great expense in many cases, to come down and say what they want to say and I think they should be given the prime areas for doing that. I think that may be another way in which to look at it when we look at potential changes.

Q34 Chairman: That is a different point of view from within this Procedure Committee. Would you like to comment on what David Hamilton has said? Should there be strict rules on time limits laid down in respect of any group of people or individuals for that matter who wish to come and make their views known to Parliament or is it your view—and perhaps I can add to what David Hamilton is saying—that that is not the ideal area because of its heritage and importance to this whole area of Westminster and that another area might be found and designated for the use of those who wish to make their views known to Parliament?

Mr Sands: I remember the demonstration outside the old Royal High School when this Committee's Clerk and I used to take the Scottish Affairs Committee up to meet there from time to time; that demonstration was pretty permanent, although it was, I think, in a rather less prominent place than what we are talking about here. I am just reminding myself of the debate in the House of Lords when the land in Parliament Square was being turned over to the Greater London Authority and there was another clause in that same Bill relating to Trafalgar Square; one of the prominent ideas in Ministers' minds at the time was that this was part of what was called the World's Squares Project and Trafalgar Square was going to be recreated as a world square and of course that is happening now, it is being reconstructed, and the idea was that, having done that, I think that work could move on to Parliament Square and that that would be recreated in new form and not be a traffic island in order that the central area would become much more accessible than it is now. I do not know at what stage those plans are and I do not know if we have heard anything about that recently.

Sir Michael Cummins: No, we have not.

Q35 Chairman: Is it your view, bearing in mind that you raised this, Mr Sands, that such a project could make Parliament much more vulnerable?

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Mr Sands: I would not have said so, but I think it would add to the case for strong regulation of the central area if the central area were to become much more accessible.

Q36 Mr McWalter: One of the things that did used to occur in the Sessional Orders was a matter related to, as it were, strangers infiltrating the premises in various ways. You may have seen in the *Mail on Sunday* that a journalist for that newspaper walked around the House with great freedom, including getting into lofts and into areas where there was piping and things like that. Is there not some ground for having a Sessional Order that runs along the lines that the Serjeant at Arms attending this House do from time to time take into his custody any stranger or strangers that he shall see or be informed of to be in the House or gallery where he is not supposed to be, to slightly change the Sessional Order that used to be there? It does appear that it is all very lax. There are all sorts of signs around saying “Members Only” but nobody takes a blind bit of notice of them. I wonder if you would like to comment on that.

Sir Michael Cummins: The particular incident to which you have referred is being investigated. As soon as I heard about it on Friday evening before publication in the *Daily Mail* on the Saturday, I asked a very senior officer from Scotland Yard to come here and to undertake an assessment of access into Portcullis House. There is no doubt that the journalist concerned was properly received and searched when he arrived in Portcullis House and it was only by his own devious behaviour that he gained access to those areas to which he should not have.

Q37 Mr McWalter: He also gained access in the main House as well to a large number of areas.

Sir Michael Cummins: Yes, he did. Those matters are now being investigated. I would wish not to say too much more about it at this stage; a report is going to the Speaker about this.

Q38 Mr McWalter: Do you think you have the power to deal with people who, as it were, behave in this kind of way? That is the issue.

Sir Michael Cummins: The Security Force have the right to retain any individual who is not wearing a pass, whom they do not know and to ensure either their adequate identity by some other means or by taking them to a senior officer who can detain them and contact me or one of my staff.

Q39 Mr McWalter: When did this last happen?

Sir Michael Cummins: I cannot tell you that, I do not know.

Mr McWalter: I think there is possibly a case there for some Standing Orders.

Chairman: We have to respect the Serjeant at Arms’s request in respect of the current issue.

Q40 Mr McWalter: There are also provisions about the protection of witnesses and about false evidence—they are Resolutions rather than

Orders—and they express the House’s intention to use its fullest powers to punish intimidation and false evidence but not intrusion. Do you think that those resolutions could act as a salutary reminder to everyone even if they are, strictly speaking, unnecessary?

Mr Sands: I think if there were to be one of the existing resolutions to be kept just for the sake of it, that would be the one I would pick. I think the truth of the matter is that interference with a witness before a Select Committee, either prospectively or after the event retaliating on a witness because of the evidence he has given, would be regarded as a grave contempt of the House with or without the Sessional Order. There is a section in *Erskine May*, page 127, on tampering with witnesses and that power and the case law surrounding that is there whether we pass the Sessional Resolution or not. So I think that the existence of the Sessional Resolution on the Journal of the House does not make a substantial difference to the protection witnesses would be accorded if there were a serious case of interference.

Q41 Mr McWalter: Are the powers of the House sufficient to punish attempts and such things and does the Provision of Witnesses (Public Inquiries) Protection Act 1982, actually provide sufficient protection of witnesses? Do you feel that the powers you have are strong enough to do the job?

Mr Sands: If the House decided that something was serious enough to proceed with under the statute law, we would have to turn the case over to the prosecution authorities and that would be a different matter from dealing with it as a contempt. The same Select Committee can take the matter up after all. If one of its witnesses complains after the event that he has been intimidated on account of the evidence he has given, that same Select Committee can always summon the person who has done the intimidation.

Q42 Mr McWalter: The date of this legislation is worrying, 1892. There may be all sorts of ways of getting round it that were not envisaged at the time.

Mr Sands: The Act is slightly separate from the power of the House to pursue, as the Sessional Order says “with the utmost severity”, people who have committed a contempt against the House which would be done within the House. Yes, the direct penalties which are available to the House are very limited, but the sanction of being pulled up and given a rough time by a Committee is—

Q43 Chairman: Can you give us an example of when somebody was summoned to the Bar of the House for contempt of the House? Do you have any example that you can quote to us?

Mr Sands: Not in the context of intimidation of witnesses, no, I cannot. The lack of recent precedents—my predecessor obviously could not find any or I am sure he would have mentioned them in the memorandum—does suggest that this is not in fact a very live problem.

Mr McWalter: As a supplementary to that, the behaviour by that journalist, on which I started this line of questioning, was actually a contempt of the House, not under the terms of witnesses but it does certainly look as if the person was minded to, as it were, bring the House into disrepute or whatever.

Q44 Chairman: Is that trespassing in an area in which you would hesitate to respond at this time, Sir Michael?

Sir Michael Cummins: The only thing I would say—and I am not a lawyer—is that, as I understand it, if one wishes to take trespassing more legally, it requires some element of causing damage or that sort of thing and, having checked Portcullis House thoroughly, there is no incidence of damage having been caused by that individual. He gained access probably under devious means to areas he should not have done but no damage was caused.

Chairman: I think my colleague is implying that what he did was really contempt of the House. He was seeking to bring the House into contempt by his action of coming into the House and going into places which clearly he was not supposed to be in.

Q45 Mr McWalter: There is quite a difference between trespassing in somebody's wood, walking through it and not knifing any of the trees and what was done in this case, where somebody went into areas of Parliament. There is an issue about whether laws need to be framed to give Parliament a special status or not. Talking about normal trespass seems to me quite different from what the offence is here.

Mr Sands: We have had incidents of this sort periodically over quite a time. I can think of at least two others in the not too distant past where the press have thought it was an amusing thing for their readers to try and demonstrate holes in the Palace of Westminster security arrangements. None of them has ever been pursued as a contempt in the technical sense of the word because to do that you would have to show that what they had done was seriously obstructing Parliament in its parliamentary proceedings and operations. No one has sought to pursue the matter on that basis. What has tended to happen is that Speakers have got very cross and have threatened to take press passes away and so on. Sometimes editors have been contrite and sometimes they have not, but still it happens again. It just seems to be one of these easy stories which every now and again journalists resort to.

Q46 David Hamilton: Part of the order about elections prescribes what should happen if a Member is returned for more than one seat. On page five of the memorandum you suggest that either the House could agree that the current provision should continue to be the practice of the House or that the House could pass a specific order if the situation ever recurred. What is your preference?

Mr Sands: It is a remote possibility that this situation might recur. I think it is very remote and I cannot in practice see it happening outside the confines of Northern Ireland where it is just faintly conceivable that it might happen. My recommendation, if the Committee was going to recommend that we no longer pass the sessional order on this subject, would be that the Committee at the same time recommend that the practice embodied in the sessional resolution be acknowledged to be the House's practice, which would be applied if the situation were to recur. If and when the House agrees to your report, which I think would be a necessary precursor to us getting rid of the sessional resolutions, that agreement of the House with that recommendation would be sufficient authority when the situation arose again.

Q47 David Hamilton: As a Scottish MP, they are moving the number of MPs down from 72 to 59 and a number of us would be quite pleased with that sort of problem coming up. English regions are now under discussion within the House. We already have a Scottish Parliament, a Welsh Assembly and a Northern Ireland Assembly. We also have the European Parliament. There is the possibility of individuals who stand for each of these areas. Would that not come into conflict or would that not be in the remit?

Mr Sands: That is not covered by this sessional resolution. It tends to be covered, if at all, by the Act which sets up the relevant new Parliament or Assembly. In other words, if there is going to be a cross-disqualification from sitting in both a regional assembly and the central parliament, that would have to be provided for in the legislation setting up the regional assembly.

David Hamilton: It would not be appropriate for us to make that decision here?

Q48 Chairman: I think this Committee can consider virtually anything which relates to the procedure and the process of procedures in the House of Commons. It is not appropriate for us to get involved in matters relating to the Scottish Parliament or the European Parliament or the Welsh or Northern Ireland Assemblies. I hope that the Clerk of the House would confirm that.

Mr Sands: I think that is correct.

Q49 Chairman: Can I come back on security and access to the Palace of Westminster? Am I right in saying that you would like to see legislation replacing the sessional orders and resolutions in respect of guaranteeing access to the Palace of Westminster and to enable the police to take appropriate action should any individual or group of people seek to block Parliament Square and access to Parliament, either with their own physical beings or with any other equipment, vehicles or whatever? Am I right in saying that is what you believe would be necessary: legislation to enable the police to act? You have highlighted it to us and it causes some concern, particularly if groups of people use children. People clearly are very

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concerned about the welfare of boys and girls. The police could take appropriate action to remove such individuals or equipment if it was barring access to the Palace of Westminster.

Sir Michael Cummins: Yes, I would like that sort of legislation to be well known to Members, staff, to various people who wish to come to the House and well known and applied by the police, even if it were in terms of having to be made clear to those people who are potentially demonstrating that that legal process was easily made available to those people whom they may have to warn; but that the whole thing was much more clear cut and readily understood than it is now.

Q50 Chairman: You may say it is not appropriate for you to answer this question but one or two of my colleagues have mentioned the European Convention on Human Rights, civil rights and all the rest. Why is it that it affects our police in that they are reluctant to take action, when in France no such reservation appears to exist? Yet they are governed by the same human and civil rights.

Sir Michael Cummins: With respect, that may be a question you wish to ask the Commissioner. It may be that our own police force is highly conscious of what we resolve within Europe and it may not be the same in other countries.

Q51 Chairman: Can I ask our legal wizard, the Clerk of the House?

Mr Sands: I am not a legal wizard. You are taking me well beyond the law of Parliament. I can only hazard a guess that perhaps up to now the citizens of France have been less litigious than the citizens of the United Kingdom so the French police feel they have a slightly better chance of getting away with it.

Q52 Chairman: Are you currently concerned about the ability of the police and the officers and staff of this House adequately to provide security for the Palace and those who work within it?

Sir Michael Cummins: We have an awful dichotomy here within the Palace. On the one hand, we need to make the Palace available for Members to meet with their constituents, their overseas visitors and other visitors who come and see them. I think Members would take it very badly if we in any way attempted to obstruct that ability of access to the Palace, both to attend the chamber, committees, meeting with Members in the central lobby, for example, so from that point of view I very much respect Members' views. On the other hand, it would be very easy for us to bring this place to a halt with overbearing security arrangements. Somehow we have to strike that balance. It is a very difficult balance. I think generally we have it about right. We have a very strong perimeter, even recognised by the journalists as we discussed earlier. The mail journalist was properly searched and checked when he came through. By having that strong perimeter backed up by armed police, we have gone a long way towards achieving what we want to achieve. What

we now lack is the ability of our security force to make the necessary checks on maybe Members who have not got a pass on, maybe other individuals who are not carrying passes, to say, "May I please see your pass?" That is not done sufficiently well enough at the moment. We want desperately to encourage both the security force and our own staff and indeed Members to make those checks on anyone they see around this place. We could not possibly have a police or security officer patrolling every corridor. The committee corridor and these corridors here are freely used by a number of people, so we do need that level of security consciousness throughout the whole of the parliamentary membership and staff, including the security staff, to bring those security considerations more into being.

Q53 Chairman: I came here when the security was entirely the Metropolitan Police. Today, the number of police officers has declined and the number of security staff has dramatically increased. The security staff do seem to change quite frequently. Whether they are going off to another job or whether they are being transferred from one job within the Palace to another I am not sure. Do you feel there is a problem with the security staff as against the police because they appear to not know the House and its Members and staff as well as the longer serving members of the police force? Is there a problem, in your view? How are they trained? How long is the training of the security personnel, leaving the trained, professional police officers on one side?

Sir Michael Cummins: The security personnel are recruited by the Metropolitan Police centrally. They are then apportioned to the Palace of Westminster in whatever numbers they are required here. At the moment, we have just over 300 security officers throughout both Houses. They are trained for about six weeks when they familiarise themselves with the practices of the Palace and with those elements of Metropolitan Police procedure and law which they need to absorb. That is the basis of their training and their being here. It is a sad but very relevant fact that in budgetary terms they are not paid even half as much as the average police officer. Our security budget at the moment for police officer and security officer staffing is about £22 million a year for both Houses. It is a tremendous amount of money. We are always very conscious of that amount and how we spend it. We hope we get the best value for money out of those security officers but by no means could we, as we would wish to in a perfect world, replace them by police officers. We try to have the more repetitive, mundane, internal tasks done by security officers and we try to supervise them as much as we can, as do their own senior officers. They are by no means perfect. We are at the moment trying very hard to make them more security conscious, as I have described, and I hope that will bear fruit in the near future.

Q54 Chairman: Can I raise one personal matter? To me, one of the most vulnerable periods for people, particularly Members coming into the House by car, is when they come through Carriage Gates and are stopped by security which is inside the area of the Palace of Westminster, before Members of Parliament go down into the car park. There are occasions when quite a lot of vehicles are coming in at the same time. Vehicles are almost parked out into Parliament Square. Does this cause you any anxiety? Members have commented to me that a Member sitting in a car in Parliament Square is very vulnerable, should anyone wish to commit some offence against them or the vehicle that they are in. It does occasionally, particularly at peak times, take quite a long time to get through the security. Is it not sensible that at some times both lines of route—that is, the one that appears to be used exclusively by ministers' cars—might also be used by Members' cars?

Sir Michael Cummins: We are working on this. We hope to have some progress on that second line very shortly. We are installing another camera in that position too, so that will help to ease the flow of traffic.

Q55 Chairman: Coming in by car, we are all searched. You will then find people coming in on motor cycles, scooters, or even bicycles, with panniers on the back, which are not searched. There could be a bomb in the basket of a bike, a pedal cycle or a scooter just as well as in the boot of a car. Is there a rule that, in relation to security, they do not examine pedal cyclists or motor cyclists or those on scooters?

Sir Michael Cummins: At the moment, our provisions are to establish the identity of those people on bicycles and motor cycles but we do not search them.

Q56 Chairman: Even if they have panniers or baskets?

Sir Michael Cummins: It is unusual to search them.

Q57 Huw Irranca-Davies: This is in relation to David's comment earlier on about the attraction of having some opportunity. There is a potential here for quite some conflict of objectives. If we do have right outside on our path freedom of gathering for people, I can see it would be very attractive for myself as a Member of Parliament to take up an issue—let us say Post Offices—and say to a group, "Come up. We will have our day." When I talk about conflict of aims and what that place may be used for, that also ties into what plans Mr Livingstone might have for that area. I am conscious of the fact that last year the Palace was rated as number one tourist attraction in the United Kingdom. Does he have plans that would conflict with whatever, with the best intentions in the world, we might want to do with some sort of regulated assembly there that would conflict directly with it? The extension of that of course is if David, myself and lot of other MPs were to suddenly leap on this opportunity and say, "There

is a regulated form of assembly now right opposite us", are we going to find that square filled on many days, particularly as we approach the summer period, with a lot of people of different groups? How do we regulate that? I am just flagging this up because I can see the potential for issues within my constituency that we could bring up in addition to the EDMs and so on.

Mr Sands: If you ask me whether it would be filled up, I can guarantee you it would be filled up because that is the story of this place whenever we provide a facility. My favourite example is the siting of exhibitions in the upper waiting hall which was originally provided as a one-off favour for somebody or other and is now booked every week, months ahead.

Q58 Chairman: Is that your view, Sir Michael?

Sir Michael Cummins: Yes.

David Hamilton: And no bad thing for a democratic country. Could I make one observation? I have been stopped twice this morning. I was stopped coming in through the gate for a security check because I had some visitors with me and that was quite right. They were hospitable. I was stopped when I came into Portcullis House this morning. I have been stopped three or four times but that was just a phase. They have always been hospitable and I have never taken exception to it so I think the balance that you are trying to achieve is right.

Mr Luke: Last night, I was waiting at the Members' entrance. I was speaking to a policeman and a car pulled up. Mr Lammy got out of the car and he was stopped by the police who said, "Can I see your security pass?" I do not think he had it on him. I had to vouch for him as being a minister before the police would let him in the building.

Chairman: You are clearly going places.

Q59 Mr McWalter: I regard it as a great privilege to go round here without a credential on. It creates a wonderful atmosphere in the place, particularly if you are with a party of guests. If somebody is new to the job comes up to you and says, "Excuse me, let me see your credential", it does rather evaporate some of the sense that your guests otherwise have, particularly if there are five other MPs walking by and you are the one that they select. There is a very light touch and it is a remarkable achievement that the House has made it that way. Maybe Members need to be a bit more security conscious. Relying on police and security all the time might not be too sensible a thing. We know who the Members are; the police know who the Members are; most of the security staff know who the Members are so, in a sense, that is a good basis. Perhaps we could find some way of Members taking a bit of responsibility. If someone is lurking round Members' offices, at some stage or other we are going to get somebody who wants to do a lot of damage. Members are quite vulnerable anyway. We all go wandering around housing estates in the dark as part of our canvassing duties and our surgeries. What the sessional orders relate to consistently is the view that, where Members' work

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is in some ways a special place and it has special rules that characterise it, the sessional resolutions and orders are about those special rules. I would be very reluctant if in the end we lose sight of that and say the law of trespass will do here; the law of cacophony will do there, when in actual fact what we are trying to do is to keep that special character and protect Members and the traditions of the House.

Sir Michael Cummins: It would be my idea of heaven and nirvana if every single Member and every single member of staff wore his or her pass conspicuously. It would be a tremendous help to our security staff and it would do away with all causes of embarrassment because everybody would be in the same boat.

Chairman: I have a feeling that the Serjeant at Arms is getting at one or two of us and maybe I fall into that category.

David Hamilton: I think a number of people do. The hands on that has been put through at the present time is delicate. It is very rarely that I am challenged. That comes out of the continuity of the police force. I do not get stopped by the police. It is normally security and that may be more to do with the turn around of personnel than anything else. In that sense, I am one who carries my ID with me but I do not show it all the time.

Chairman: We have gone slightly beyond sessional orders and resolutions. We have raised a number of matters that are of relevance certainly to security and the way that you provide security in the Palace of Westminster. Can I thank you for the excellent evidence which you have given, the excellent memorandum which you have supplied to us and, if I may say so, the suggestions which you have made which I personally hope may well feature in the final report which we publish. Can I thank you very much for coming before us this afternoon.

Tuesday 8 July 2003

Members present:

Sir Nicholas Winterton, in the Chair

Mr Peter Atkinson
Mr John Burnett
Huw Irranca-Davies

Rosemary McKenna
Sir Robert Smith

Witnesses: **Sir John Stevens**, Metropolitan Police Commissioner and **Superintendent Malcolm Simpson**, Public Order Branch, examined.

Q60 Chairman: Can I welcome on behalf of the Procedure Committee of the House of Commons, Sir John Stevens, Metropolitan Police Commissioner, and Superintendent Malcolm Simpson, who I believe heads up the Public Order Branch of the Metropolitan Police. Can I thank you very much indeed for coming to help us with our inquiry into Sessional Orders and Resolutions. This, to us, is a very important matter. We have, as you may be aware, already taken evidence from the Serjeant at Arms and, also, from the Clerk of the House. Can I, from the Chair, Sir John, put the first question to you and your colleague? In your view, does the House's Sessional Order have any effect on (and I refer to two things) the powers that you have to police the area around the Houses of Parliament or the way in which you use them? Perhaps, Sir John, if you would like to start and if Mr Simpson believes that he can add (perhaps if he dares) to what you say, he may like to come in then.

Sir John Stevens: If there is any really difficult question I am sure I will ask the Superintendent to help. Quite frankly, Chairman, there really is an urgent need to update the powers in relation to directions that we can give and in relation to the methods of dealing with disorder here and around the House, especially in light of recent activities and, of course, now the business in terms of preventing terrorism. The Commissioner's Directions are what we use at the present time, which is a personal thing signed by myself. They date back, of course, many hundreds of years, and we believe that there really is a need for effective legislation. Under the Commissioner's Directions there is no power of arrest and the powers are somewhat limited. We think those powers need to be enhanced, not just for actually dealing with demonstrations around the confines of the Houses of Parliament but for allowing people to come in and out of Parliament—Members, of course, coming in and out of Parliament. The other issue, of course, is the question of noise and the question of banners, but we believe that there is an urgent need for modernising the legislation—for that legislation to have more teeth, quite frankly. However, at the end of the day, of course, this has to be balanced out with the Human Rights Act of 1998.

Q61 Chairman: Thank you. Can I just put a personal view? I did put it to the Clerk of the House and the Serjeant at Arms last week. Are you saying that in recent times the legislation which has come in

restricts what you can do? I remember in the 1970s when as a Conservative Member of Parliament I actually took part in a textile workers' demonstration. We started in Hyde Park and we marched towards Parliament, but the closest we were allowed to come to Parliament was the Tate Gallery. When was that situation changed and why was it changed? How was it changed?

Sir John Stevens: I think the impact of the Human Rights Act has to be taken into account, where everybody—as we have always had but it is now enshrined in law—has a right to assemble and a right to actually partake in demonstrations, providing they are peaceful. I think the test for us and specifically for me as the Commissioner is whether there is a likelihood of public disorder. I think this is a balance of what we do and how we do it. I think if you go back to four years ago, where we allowed a demonstration in Parliament Square during which the Square was cut up, there was an incredible amount of damage caused to statues and the rest, and to the Cenotaph itself when the crowds broke off and went towards it, that was totally unacceptable. Therefore, we have to police in light of what the intelligence is and in light of what the likelihood of public disorder is. Having said that, in terms of the Commissioner's Directions, we have, of course, powers under the Public Order Act to arrest people and do that, and there is no problem, but I do believe that the Commissioner's Directions which allows us to keep people away from the Houses of Parliament, and which are about you coming and doing your lawful business and ensuring that the supremacy of Parliament is there, do need to be tightened up, and I believe there needs to be a power of arrest—especially when we talk about this time of great uncertainty and we live in a dangerous world, as we all know, in terms of terrorism. Of course, the other issue is in terms of the noise that comes from some demonstrations. I think you have suffered something of that in the past.

Q62 Chairman: Specifically to the example that I quoted. Why, in the late-70s and early-80s were we only allowed to march as far as the Tate Gallery and we were not permitted to come any further? That was an orderly demonstration, it was peaceful and there was no anti-social behaviour. Has the law changed since then to allow people to come now right up to Parliament rather than half-a-mile or a mile away?

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Sir John Stevens: We can still restrict it if we wish to do so but the point is, quite frankly, that I think in those days there was certainly stronger policing. Maybe you want that stronger policing, but we then have to balance it, I am afraid, with the Human Rights Act and the Act which has come in which gives people specific rights to demonstrate. I, in circumstances where I believe there is going to be a breach of the peace, would have no hesitation, if that breach of the peace is at such a level, in actually ensuring that people were kept away from Parliament Square and we would definitely do that.

Q63 Chairman: That brings me, Commissioner, on to my next question, before I pass it round to my colleagues. You do have a duty to keep the streets clear to enable Members and others access to the Palace of Westminster. I put the question to you: are your legal powers adequate to guarantee free access for Members to the House of Commons at all times? If not, in what way do your powers fall short and what should be done about this? If I may, from the Chair, be provocative: recently when we had those outrageous demonstrations—in my view—in Parliament Square, your officers actually escorted a whole number of young people into Parliament Square who immediately sat in the road and obstructed the traffic and the free passage of Members into the House. I am advised, Commissioner, that you were reluctant to do anything about it. Why? Because they were breaking the law.

Sir John Stevens: Indeed. There were two reasons why we were reluctant to do anything about it, and this matter was discussed at great length in the Metropolitan Police Authority. The Metropolitan Police took a fair amount of criticism for what was seen by certain members of that Authority for taking quite draconian and hard action against those children. That is what the argument was within some elements of the Authority. However, to answer your question directly, sir, we were in the business of ensuring—bearing in mind the tender years of some of those children—that there was a question of safety in relation to that which was balanced against the relationship of actually arresting. People were removed from Parliament Square but we had to act in a way that ensured that there was no damage and injury to people in that process.

Q64 Huw Irranca-Davies: I wonder if I could follow up on that particular instance, because by the very nature of young people of a young age there is a particular duty of care that we all have towards younger people and so on. On that basis, one of the things that you talk about, which the Chairman has just alluded to, is increased powers. Increased powers would not have helped you in that situation. What would you do differently if that were to occur again with young people?

Sir John Stevens: I think I said publicly that what took place in Parliament Square that day was not acceptable and would not happen the following day—and it did not happen, did it? So I think I made my point and I make my point again. I think it is

unacceptable for young children—and there were allegations that this was organised by schools to be brought to Parliament Square, to place them in a very dangerous situation. I myself came down relatively soon after that had taken place and I have to say that some of the officers who were involved in that were extremely upset in terms of what they had to deal with. So I think that needs to be put into the equation, and I am the first one to put it in the equation, if I may say so.

Q65 Mr Burnett: On a matter of process, you are telling us, effectively, that you do need increased powers. You currently have a right to make directions, and those are your powers unilaterally as the Commissioner of the Metropolitan Police.

Sir John Stevens: Yes.

Q66 Mr Burnett: Do you think, in the light of the human rights legislation, that if greater powers are needed then there should be an independent judicial authority to whom you, for example, could apply *ex parte* if necessary to introduce those powers for a very short period of time over as narrow an area as possible?

Sir John Stevens: I do not actually think that is necessary. I think what needs to happen is that the directions we use at the moment need to have teeth, and those teeth are all about allowing you, Members and the supremacy of Parliament and the business of Parliament to take place. At the moment we can do these directions but there is no power of arrest if someone breaches them; we can summons them, which actually at the time has very little effect. So what I am saying is in the present day, bearing in mind of course—and I go back to this again and make no excuses for doing it, sir—the question of anti-terrorism; we are living with the highest threat in terms of terrorism in London that we ever had, both in terms of the terrorist threat domestically and, also, internationally, what I am saying is that the directions I sign on a regular basis—not just for Parliament but for some other areas as well—really do need some teeth, in my view, if we are to allow ourselves to police in the way we want and, further, to allow the business of this House, which is of utmost importance—supreme importance—to take place unimpeded by noise or even worse by obstruction.

Q67 Mr Burnett: You do not feel curtailed at all, or you do not feel that you are in an invidious position having to make that decision as the law enforcer as well as the judge and jury?

Sir John Stevens: I am regularly in that position, sir. No, I think that is part of the job and that is part of the professional judgment we make. I think if you introduced a judicial process early on it could complicate matters, if I might say so. I think the judicial process, in terms of judicial reviews and the process and systems of taking these issues through the courts, is the way to deal with it, after we have made our decisions and after we have actually taken a policing action which is right or wrong on a lot of occasions (sometimes it will be wrong) but we do it

in the best interests. I think the primacy of this building has to be the main issue at stake, and I do believe we need a hardening up of the law and a “modernising”, to use that phrase, of the system as it stands at the moment.

Q68 Huw Irranca-Davies: To pick up the point on terrorism—and I agree wholeheartedly that the threat is something that we have never seen before—a point that was raised by a colleague in a previous session of this Committee was that yes, but that threat is not only there in Parliament Square, it is all around the streets in the vicinity—it is on the river outside here, in fact. Are we focusing too narrowly in our discussions?

Sir John Stevens: I do not think so. We have the safety zone we are talking about, and that can be enforced by directions and, of course, the threat goes up and down. We assess that on a daily basis in Scotland Yard. No one in this room, I suspect, wants draconian laws that stop people coming in and out of Parliament for us to do our business, but the bottom line is that at the end of the day there will be occasions when we have to have the laws that we need to protect this building. After all, supremacy of Parliament is how we do our major business in a democracy—or should be.

Q69 Sir Robert Smith: On the issue of the risk to the building, this law at the moment that we are concerning, bringing in the angle of terrorism, walking home one night there were bags of rubbish tied to the railings of the House on the road to Westminster Bridge. When I phoned security they said “That is the tour buses; they always leave their rubbish tied to the railings”. I am just thinking, is that not almost a possibility for someone to create a greater security threat than necessarily a demonstration coming past?

Sir John Stevens: It is, and in terms of what takes place opposite the gates we do actually make regular searches of that and the people who are there, which has to be done. You are right, I think all of these aspects have to be looked at.

Q70 Sir Robert Smith: The boundaries of the Sessional Order, at the moment, are they prescribed by the Order or are they of your choice?

Sir John Stevens: They are prescribed by the Order.

Q71 Sir Robert Smith: I was wondering if it was drawn up in the days when Members were not considered likely to live on the other side of the Thames.

Sir John Stevens: You are absolutely right—or were prepared to swim across, if they were bold enough. All of these issues really do need to be looked at. Again, I am sorry to come back to the new world that we live in, but it really does need to be updated. If I might say so, Sir Robert, we need to do that quite quickly, if that is possible.

Q72 Chairman: I am advised, Commissioner, that actually the area covered is in your Order and not ours. I must say I was not myself aware of that until my Clerk kindly whispered it in my ear. Does that affect the way you look at this?

Sir John Stevens: No. That makes sense because of course we can make directional orders and I do do so for carnivals and other areas. However, the main issue, which comes from the same power, has to be how far we go out, and I do believe the change in the kind of terrorist threat should allow us to go out. Again, I go back to the point I was making early on, we need to have some teeth in these kind of powers.

Q73 Sir Robert Smith: It just struck me that the Order in terms of maintaining a route to Parliament takes it, on most sides of Parliament, to a point where the density of any protest could not really disrupt—there would be routes into Parliament even if some of them were blocked. I remember watching one of the pro-hunting demonstrations where your men had to requisition a couple of double-decker buses to keep people on the bridge, but of course that would mean anyone trying to approach Parliament lawfully would find that almost impossible.

Sir John Stevens: Yes. What we had, of course, in one or two of the demonstrations was a feeling that Parliament would be stopped and you would not be able to get around and do your lawful business. So what we had, of course, were some systems of getting people in, and without giving anything away in this public forum there are four or five entry points we can certainly get you in and out of without any trouble.

Q74 Sir Robert Smith: We have touched on most of this question, but what are the current powers to control or remove demonstrations on Parliament Square?

Sir John Stevens: They come within the Public Order Act and they are all about breaches, or the likelihood of public disorder—obstruction. You will remember the case opposite the gates where Westminster Council did take action against some of the people there who had got banners and the like, and it was decided of course that it was not obstruction because no one walks along that pavement. So, again, we are into some technicalities here. Again, I stress, we can modernise this in a way that makes it far more effective for what we do. Of course it has to be balanced with human rights and of course it has got to be balanced with the right of people to demonstrate lawfully, but there must be some way we can work our way into this to allow all of those interests to be taken into account.

Q75 Sir Robert Smith: When it comes to people on the actual grassed areas, do you have extra powers because of the ownership of that?

Sir John Stevens: It is owned, actually, by the London Authority, I think. There was great debate when we had problems with the statues on whether it was London Heritage, or whatever, or the Crown Estates, but at the end of the day we worked all that out, so when there is likelihood of any damage being

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done to statues we have a system now which works. I have to say, three or four years ago that was not the case.

Q76 Chairman: Am I not right, Commissioner, in saying that the actual grass in Parliament Square is part of the Crown Estate, but is administered by the London Authority?

Sir John Stevens: You are right, sir.

Q77 Mr Atkinson: Sir John, you talk about terrorism, but there is another observation we ought to make which is that although it may not apply now when you have a Government with a huge majority, you only have to go back a few years when the majority was terribly small and one Member of Parliament unable to vote meant you could get a position where a government falls as a consequence of that. What I wanted to ask you was that I am trying to picture the kind of event that could take place outside here which you do not have existing powers to deal with. If it is a demonstration you clearly have powers to divert it—you diverted one of the hunting demonstrations. If it is those young people who sat down in the road, you have existing powers under the Public Order Act that you are able to use. I am just trying to envisage the kind of incident or event outside here that you would require these special powers for?

Sir John Stevens: I think you will be talking about powers where people are demonstrating totally lawfully. Of course, they can do that without obstructing the road or actually talking in terms of high levels of public disorder. The issues which I think really do worry the House, at the moment, pushing aside anti-terrorism and that type of issue, is the issue of noise. If we have two to three people who are out there making noise we have great difficulty in relation to what we can do with them, especially if they are making what would be perceived to be a lawful demonstration within their rights. I think some of the irritations that have taken place which have been drawn to my attention on a number of occasions, of noise and the like, are the type of issue we are talking about. I think, also, if there is a demonstration that takes place, again that is lawfully dealt with and which we have not dealt with in the way Sir Nicholas was dealt with some time ago, if that actually takes place and there is no illegal activity we do find ourselves in difficulty. However, I do believe, if the law was strengthened in terms of the way we are talking about and modernised, we would have a way.

Q78 Rosemary McKenna: Sir John, I have always believed, and I think everybody in this room, as you said, believes in democracy and freedom of speech, and we want to guarantee that. I never had a concern about what was taking place in Parliament Square. I think what has concentrated our minds are two things: first of all, the terrorist threat and, secondly, the permanence of the current demonstration. I have got specific concerns. Last year I think the police handled a very difficult situation during one of the countryside demonstrations, when there were very

small children actually on the road, and they dealt with it very well, and it could have been extremely dangerous. I think that that is a real concern because on lots of the demonstrations that we are having people are bringing very small children into the area, and I am particularly concerned about that. I would like you to comment on that and then I will ask a question on another issue. First of all, do you have the right to search people as they are coming on to the demonstration, if you have a concern?

Mr Simpson: There is a power under the Police and Criminal Evidence Act to search if we have grounds. Equally, there is a power a senior officer can put in place under Section 6 of the Criminal Justice and Public Order Act which allows us to search people approaching a demonstration if we felt they were carrying articles or we had intelligence or information that they were likely to cause disorder. So there are powers that can be put in place with people who are en route or who are present at a demonstration.

Sir John Stevens: I do believe, if this new act comes in, that the capability of pushing cordons, preventing pedestrian and vehicle access within the Sessional area—what we call the Government Security Zone—is a way of addressing some of these issues. We do not specifically have that power at the moment, unless we take the type of action which sometimes can be seen to be draconian. If we have to do it, we will do it. So, again, we are into the business of actually saying that if there is a change in the law along the lines we are talking about, it will assist in these areas.

Q79 Rosemary McKenna: It would help in that?

Sir John Stevens: Very much so.

Q80 Chairman: Are you referring—because I think you have just caught one or two of us slightly on the hop with that last answer—to legislation that is already on the statute book, having passed through the House, is currently before the House, or legislation that you hope might result from our report?

Sir John Stevens: Yes. Thank you for that, Chairman. It is an amendment to Section 14 of the Public Order Act which would reduce the minimum number of people present before conditions can be imposed on an assembly, and it would stipulate that Members of Parliament and Peers must have free movement—must have free movement—and that would affect policing protests.

Q81 Rosemary McKenna: Is it a draft proposal?

Sir John Stevens: We are proposing that.

Q82 Chairman: This is what you would like us, as this Committee, to recommend?

Sir John Stevens: Please, sir, yes.

Chairman: We are very grateful.

Q83 Rosemary McKenna: On that proposal, one of the things that worries me about the permanence of the current demonstration is that it actually prevents other groups from demonstrating, from exercising

their right to demonstrate, because it is permanently blocked up and they cannot get on it. Is there something that you could propose that would assist in that?

Sir John Stevens: We do clear, as you probably notice, every now and again, but within a day or two those type of banners are back again. I believe that, surely, if someone is actually going to make a protest, which they are legally entitled to do (and we would encourage that) after a period of time—a day, or two or three days—that protest is well made and therefore there could be an argument that those banners should be removed, allowing other people to have a protest. So I think something along those lines. It would not be contravening anyone's human rights to do that. I would argue that it is allowing other people to put their voices forward.

Rosemary McKenna: That is my point—it allows people to put their voices forward.

Q84 Huw Irranca-Davies: One of the proposals that has been milling around within the House here is linked to this idea of doing away with the permanent and having rotating. However, I have a fear with that and I would be interested in your views on it. The fear is that I, as a Parliamentarian, would grab this opportunity and bring up groups from my constituency and so would every other—600-odd—MP as well. What we would have, perhaps, is a very well-organised, perhaps quieter but, in effect, very large permanent carnival protest going on out there. I am just wondering what are your views on that?

Sir John Stevens: I think it is quite a good idea. I do. I think it would allow different people from different parts of the countryside to come down and say what they think. If you had a rotating kind of protest, if you like, surely that is all for the good. The thing that does worry me at the moment is the permanency of those banners. We have tried to take them away but, of course, decided that was not the way to deal with things because of the lack of obstruction, and if they are there month-in, month-out, year-in, year-out probably, surely that is not the way to do it.

Q85 Huw Irranca-Davies: I am very encouraged by the answer that you have just given. Does it not provide you with any logistical nightmares? As you were saying, if you have large demonstrations you have to work on intelligence to see whether there are any special risks. If you have, in effect, different demonstrations coming through each day, could you deal with that?

Sir John Stevens: I think if you limit the number. In London we deal with up to 3,000 demonstrations a year, and they vary in size. The last twelve months/two years has been unprecedented; we have dealt with the largest mass demonstration that the world has seen in certain areas in terms of what people have actually been pursuing, on top of the Jubilee. If you limited the numbers to manageable sizes, we would have no problem dealing with that.

Q86 Chairman: Are you saying, Commissioner, picking up Huw Irranca-Davies' point, that Members of Parliament should sponsor

demonstrations in Parliament Square? If so, would they then be responsible for them, which might make quite a difference to the type of organisation that actually comes and occupies Parliament Square?

Sir John Stevens: No, of course not, sir.

Chairman: Before we forget, can I invite you to send a paper on the precise legal changes that you would like to see this Committee recommend? You have given us some outline already, but can I say that at this stage of our evidence-taking if you could send us a paper it would be of immense help.

Q87 Mr Burnett: May I engraft one point on that, to which I alluded? To ensure that what you do send us you put in front of someone who has got a knowledge of the human rights' legislation and that it would be compliant.

Sir John Stevens: Absolutely. If we put something in front of you which is not compliant I think it is going to have great difficulty in getting through and it is going to be challenged, which would be counter-productive. We will do that, Chairman.

Q88 Mr Atkinson: I was just wondering, if there had been a similar demonstration outside Downing Street as opposed to here—if the Chairman (who seems to be an expert on demonstrations) decided to chain himself to the railings at the gates to No 10 Downing Street in support of the textile workers of Macclesfield—would you treat this in any different way from a demonstration in front of the House?

Sir John Stevens: No. There are security gates, of course, in front of No 10 which do not allow people to go in and, hence, are far easier to control. The thought of Sir Nicholas chaining himself to the railings fills me with alarm!

Q89 Sir Robert Smith: Just to follow on from that, the idea developing of a rotating and flexible demonstration outside the gates where people would still be able to get their point across but not be a permanent fixture, how is that managed opposite Downing Street?

Sir John Stevens: In terms of opposite Downing Street, of course, you have got a pavement which is regularly used and the business of obstruction is in question. Where you are going over to Parliament Square, which you do not have people walking through in the normal course of events, that is what created the problem in terms of the breach of the law.

Q90 Sir Robert Smith: With the power you have, because of the potential of obstruction opposite Downing Street, you are able to negotiate?

Sir John Stevens: Yes, and negotiate from strength.

Q91 Sir Robert Smith: Is it really only this latest demonstration that has uncovered the loophole, then?

Sir John Stevens: I think it is the demonstration opposite the gates now that has been there for a very long period of time, and the fact that Westminster Council together with us actually tried to take legal

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action and that legal action has been blocked by a senior court. So, at the end of the day, we do not operate in this area from a position of strength at all.

Q92 Chairman: I know one or two colleagues want to come in on this, and it worries me. Why did the High Court take that decision? Albeit the pavement across there is not widely used, because it is in the middle of Parliament Square, it is a pavement like anywhere else. Whether or not the manned banners are on the grass or on the verge or whatever it might be described as, the fact is that some of the pavement is being obstructed. Do you, as the Metropolitan Commissioner, or your colleague, Malcolm Simpson, understand why the court took the decision that it did? Or am I putting you, sir, in a difficult position?

Sir John Stevens: I do not know why they took that decision, sir. It is puzzling.

Q93 Huw Irranca-Davies: I have this vision of this wonderful forum—

Sir John Stevens: Do not get carried away, sir.

Q94 Huw Irranca-Davies: I will be sending in an application. One of the debates that we had in the previous session of this Committee was in respect of fixtures, not just platforms but even well organised, very aesthetically pleasing fixtures that were for demonstrations—stalls, stands and so on. Would you have a view, bearing in mind the proximity of this, on having that, or would you envisage something that is simply people on the ground protesting?

Sir John Stevens: I think people on the ground. The real key to this is small numbers making their point quite legally and in a way that we all accept, rather than perhaps the outcry that is surrounded at the moment. There is, perhaps, an important comparison with Speaker's Corner, which fulfills a role, and maybe there is a role close to Parliament. However, it has to be done. It has to be done, so you can get on with your business in an orderly fashion and not be affected by what takes place outside. That must be the case.

Q95 Huw Irranca-Davies: What is the particular difficulty with banners or other stalls or fixtures? Is it the question of access? Is it the aesthetics or is it the terrorism aspect as well, and the fact that these can be used as cover and so on?

Sir John Stevens: All three. It is no secret that we do actually search those particular banners on a regular basis, with the agreement of one or two of the people across there.

Q96 Chairman: Can I come back to loudhailers which have featured, but only very briefly, in our evidence this afternoon? Can I ask you: what action can be taken against those using loudhailers to put forward their views in a very raucous fashion, causing considerable annoyance to other people in the area and those working in the area, including Members of Parliament and their staff and the staff of the House? The Serjeant at Arms of this House

indicated to me that if the loudhailers were over a certain decibel level you could take action. I have to say he was right, and for a time the decibel level of those using loudhailers from Parliament Square appeared to me to drop, but it has now increased again. The reason is, I understand, that you have some difficulty in taking action even if the decibel level is higher than it should be and is causing annoyance and inconvenience, not only to other sightseers and visitors but to those who are working in the Palace or in its immediate vicinity.

Sir John Stevens: That is true.

Mr Simpson: There is not specific legislation which refers to loudhailers. There are other parts of legislation, such as breaches of the peace, for instance, that we might use. We often use persuasion to persuade people to reduce the levels of noise, and that has been used successfully on a number of occasions in the past months, but there is not any specific legislation which caters for noise amplification devices. We are waiting for advice from the Crown Prosecution Service, which is trawling the legislative books at the moment to find if there is any other legislation we could use, but we have to use other legislation on the books at the moment, which may not be particularly appropriate to noise amplification.

Q97 Chairman: So, again, in this area, you would like to see this Committee in its report, put forward recommendations in respect of noise resulting from the use of loudhailers or amplification equipment?

Sir John Stevens: Yes, and I think the test could be going beyond the normal, civil litigation that it is likely to cause a breach of the peace. The test, surely, would be if it interferes with your workings within this House. I would suggest that that would be an easy test to meet in terms of defining it.

Q98 Mr Burnett: We have to be careful here that we do not privilege ourselves too much. What is good for us—the goose—has got to be good for the gander—every other office worker who is inconvenienced in these ways. I hope you will understand that that is very important.

Sir John Stevens: I do, totally, but at the end of the day, of course, the workings of an office is not as important as the workings of Parliament.

Q99 Mr Burnett: I do concede that. Nevertheless, we have to be careful that we do not arrogate to ourselves overweening privileges. Of course, all the time, there is the point that Rosemary made; we have to bear in mind people's freedom to demonstrate reasonably and to assemble reasonably. Those are important considerations. This is actually going to curtail our questioning session of you. Is public nuisance a civil matter? I should know that but my lectures were 30 years ago now!

Sir John Stevens: My legal knowledge training was 40 years ago.

Q100 Mr Burnett: You are really looking for a criminal—

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Sir John Stevens: We are looking from a criminal point of view. We need to have that.

Q101 Mr Burnett: A criminal sanction, a solution in criminal law?

Sir John Stevens: Absolutely, yes.

Q102 Chairman: Can I say, Commissioner, that you and your colleague, Superintendent Simpson, have given us extremely helpful evidence. We look forward to receiving your paper. I am not sure whether any of my colleagues have further questions. What I would like to make clear to you is that this is literally an all-party Committee of the House of Commons: you have Members of the Government party, Members of the main opposition and Members of the Liberal Democrats. So views that have been expressed are right across the board, party-politically. We are all concerned that we have got to get both the security and access

to this place correctly dealt with. It does appear to me that legislation is going to be necessary, and we therefore very much look forward to receiving your paper. Can I ask you, Commissioner, whether you or Malcolm Simpson have any other matter that you would like to draw to our attention before we bring this part of our sitting to an end?

Sir John Stevens: Thank you, Chairman. Thank you for the generous way you received us and we will get that paper to you very quickly indeed.

Mr Simpson: Thank you very much, Chairman.

Q103 Chairman: All I can say, on behalf of my colleagues, is excellent evidence, and thank you for being so direct and forceful with us. That is what we are here for, and I hope we come up with the right report that will not only meet the requirements of the situation we face but, also, the expectations of the police who are vital to the Palace of Westminster.

Sir John Stevens: I am sure you will, sir.

Witness: **Ms Hazel Blears**, a Member of the House, Minister of State, Home Office, examined.

Q104 Chairman: Minister, I think I speak on behalf of all my colleagues when I say congratulations on your promotion and on your new job. I am sure that you will bring the same dynamism to this job in the Home Office as you did in the Department of Health. You have proved to be a very good Minister. Having said that, and I do not believe in any way in upsetting my colleagues, but you obviously know what we are here for because you have been sitting in on the evidence we have taken from the Metropolitan Commissioner and his colleague. Can I, from the Chair, put the first question to you. What is your policy—the Home Office policy—on ensuring free, ready and easy access to the Houses of Parliament by Members?

Ms Blears: First of all, can I thank you for your very warm welcome, Sir Nicholas. I would like to say before I give my evidence that I know that you did invite the Home Secretary personally to come along today and, unfortunately, he is unable to do so but I do know that he has written to the Committee and to you, Sir Nicholas, to say that I personally am fully aware of the Home Secretary's views—which I am. It is his intention to do all that is in his power to ensure that Members' access to the Palace of Westminster is never restricted in any way. I think it is in that tone and tenor which I want to give my evidence today. So there is a commitment from the Home Secretary and, indeed, myself to make sure that we have at the forefront of our minds the need for Parliament to continue to function whilst, of course, taking on board the concerns of the Committee about not putting ourselves in an unduly privileged position. I think that does illustrate, really, the policy that we have, and it is one of trying to strike the right balance. As in so many of these areas where we are seeking to reconcile a whole range of different and competing interests, the administration of the law—whether it is civil or criminal—is about trying to reconcile many of those

interests. What we have here, in relation to the demonstrations and the need to ensure access, is for me a very sharp example of where some of those rights and interests have come into conflict in recent times. What we need to do as a Government is to set in place the necessary legislative framework, the proper resources for the police and to make sure that they are enabled to put into practice the legal powers that they have. It seems to me, having examined the law in this area that what we are faced with is a number of separate bits of law that have been brought together over a period of 150 years or so to try and regulate the situation. That is always very difficult. It is difficult in the British legal system because our law tends to accumulate incrementally; we do not necessarily have a very codified system that has a law for every position that is going to arise. That has its strengths and weaknesses. What we have got here is a Section 52 trigger, if you like, that is related to the Sessional Order. We have got the Sessional Order which is the parliamentary side. That then triggers Section 52, which then empowers the Commissioner to give a direction to all of his constables that if a demonstration is likely to impede the free access of Members to the House then they are to disperse those gatherings and assemblies. So we have got that set up. I suppose you could call it archaic law but if it is useful and still valuable then it is important that it is used. So that is the Metropolitan Police Act 1839. Then we have got a whole series of other parts of legislation, which are more modern, under the Public Order Act 1986. Those are universal and national powers; the Metropolitan Police Act powers are peculiar to London. So you have got some local legislation and then you have got some national legislation. We have also, intriguingly, got byelaws, which are the preserve of the Greater London Authority, and those byelaws—which I do not think have been referred to so far—relate to Parliament Square

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Gardens and they relate to such items as needing to have permission in writing from the GLA to go on the shrubbery or flower beds, to erect any structures, to make public speeches—all of the things that we have seen going on in Parliament Square over the last few months. One of the things that springs to my mind is the latest countryside demonstration when I think we had lines of washing and articles of ladies clothing on Parliament Square Gardens. So we have also got civil byelaws in terms of the powers of the local authority. So we have got local criminal legislation, we have got national public order legislation, we have got the byelaws as well and I think that the position we have got to is that that is inevitably confusing, both for the people who have to enforce that law and, also, for those who may be accused of contravening that law. It is important for the integrity of our legal system that both accusers and accused have clarity about what charges are being brought—what are the powers, what are the likely sanctions, how do they need to behave—so that there is an integrity running through the system. So I think our policy is to try and ensure that at all times the functions of democracy that go on in Parliament are able to proceed. I think that is absolutely imperative, and I think every single one of our constituents would want to know that their legislators are able to carry out their business. Secondly, to try and ensure that there is a clear framework of law. Thirdly, I suppose, to ensure that the Commissioner has sufficient police officers, resources and intelligence to be able to take the operational decisions that are not a matter for ministers but a matter for the police. Also, I think, my final point, is to get that balance right with the European Convention, because the issues around Articles 10 and 11 about the power of free assembly and the power of free expression, I think, are values which are held extremely dear in this country. We are a mature democracy and whatever our differences in party political terms we are able to resolve them through debate and through protests and demonstrations.

Q105 Chairman: What if, Minister, free assembly and free expression impede the access of Members to the House of Commons, or Members of Parliament to the Palace of Westminster? You have talked about human rights, but what if the exercise of human rights actually impedes access to the House of Commons?

Ms Blears: That is a very, very serious matter indeed. I was going on to say that Articles 10 and 11 are not absolute, and that where the balance is that the rights of democracy to continue outweigh those rights, then although they are engaged under the legislation they will not necessarily take precedence. Therefore, provided the police action and the legislative action is proportionate to the danger that is envisaged then I think that is perfectly defensible in terms of a claim for incompatibility, but in framing our legislative framework and in framing our sanctions we have to be aware that our action has to be proportionate and effective to the danger that is caused. That is one of the excellent things

about the Convention, that it does allow us, as a legislature, to still maintain our right to legislate for the things we believe in but within an overarching framework that protects the fundamental of human rights that we would all sign up to. I do not think this is an impossible tension. We need to work our way through it, but actually it is not a bad legal position to be in.

Q106 Chairman: Thank you. You have given a very good answer to my first question. In fact, you may well have dealt with the second but lesser question. Do you think that the current Sessional Order is working, or do you believe—as clearly the Metropolitan Commissioner does and the Serjeant at Arms does and the Clerk of the House—that new legislation needs now to be passed in order to organise what everybody accepts is necessary?

Ms Blears: I think I would say two things to that, Sir Nicholas. First of all, as a general principle, I think we are all loathed to give extra powers if the existing powers are being properly used, and we have all had debates about whether or not we are putting powers on the statute book which are then not implemented—not in this area but in other areas of law. So I think we would want to be satisfied that the existing powers were deficient in some respect, if we were to make fresh legislation. Those powers might be deficient in two regards: they might be deficient in the way that I have explained in that there are varying strands of law which have led to confusion and lack of clarity. They might also be deficient in that there are specific lacunae—or specific gaps—that we need to close. That might be around noise, it might be around banners and it might be around some of the things that the Commissioner raised. I too would be very interested in his paper to see what amendments he would be putting forward. I think there are some particularly difficult areas here, particularly around the permanent presence, because I have just had the opportunity to glance through the judgment in Mr Haw's case and it seems to me that if a protester is ingenious enough to move his placards around, not to be obstructing, to be able to act in a kind of ever-changing way, then whatever powers I have tried to find, I cannot really find powers that could particularly deal with that situation. If he is not harassing, alarming or distressing people, if he is not committing breaches of the public order legislation, and if a judge decides that even though there is an obstruction that obstruction is not unreasonable—which is what the judge decided in that case (having balanced the human rights aspects)—then in those circumstances I can see that perhaps there is a gap in the law that needs to be filled. I am not going to say today whether I think we need a whole new bill and whether we need emergency legislation, but what I really want to do is to examine the Committee's report in detail as well, because I do think, having taken evidence, you will be able to take a view as to where those gaps are and what vehicle we might use

to make sure that we have proportionate powers to deal with some of the new issues which have arisen.

Q107 Huw Irranca-Davies: Minister, as we look at possibly clarifying existing law or perhaps developing new law to fill the gaps, should we be developing that law over the UK as a whole, for every resident and every office worker, or is Parliament a special case? Should we be looking specifically at what has been termed today the important supremacy of Parliament and the processes that go on here—to look at how we protect not only the human rights issue of people's right to assemble and protest but, also, access? Are we looking at things that are specific to Parliament or should we be looking at law that is generic to the whole country?

Ms Blears: I suppose the way in which this debate has developed is that it has come from a specific instance of Parliament, it has come from an inquiry into the Sessional Order, which gives us, if you like, the original base and legitimacy for this inquiry and for this consideration to take place. It may be that the Committee will make recommendations specifically with regard to ensuring that what goes on in this House can continue to happen, and that may well be the right way forward. What I would want to see is that if any proposals were made they also had in contemplation what the implications might be for others. I think it is a similar point to that made by Mr Burnett that we should not be in a position of taking special powers for Parliament, but we have to recognise that we undertake a fairly unique activity here and it is a unique part of our democracy and, therefore, what might be appropriate here may not be appropriate in other circumstances. However, I do not think we should automatically rule it out; what we need to do is a very careful analysis of why we would be taking new powers, what would be the mischief at which those powers were aimed and to draw it as tight as we can, because I am not in favour of general, broad-brush powers which limit and inhibit the rights of people to take part in perfectly legitimate protests and demonstrations. That is not what we should be about. Where we have got a specific mischief that we want to direct at, then that is where we should, I think, really concentrate our efforts.

Q108 Chairman: Could I just say that we are very interested in the evidence that you are giving, but you will be aware that the Serjeant at Arms and the Clerk of the House and, because you have heard it yourself, the evidence of the Metropolitan Commissioner clearly indicates that in their view legislation of some sort is required to give the police the authority which they need in order to guarantee access to the Palace of Westminster and, of course—not that we have touched on it with you as yet—the dangers that can result to the Palace and to the surrounding parliamentary estate from terrorism. So, clearly, I presume, Minister of State, you will be looking particularly carefully at the report which we produce and, no doubt, we can ensure that you have sight of any paper (not that you probably would not

anyway) from Sir John Stevens that he will submit to this Committee outlining the sort of package of legislation that he believes is necessary. Am I right in making that assumption?

Ms Blears: You are absolutely right, Sir Nicholas. Our view is that if we need to legislate then that is what we will do. I am not seeking to prevaricate at all today in giving my evidence, but I want to be in a position to look at the proposals from the Commissioner, to look at the proposals that this Committee makes and to look very clearly at where there are gaps and where there are extra powers that we might need to take. I am very conscious of the need to protect the good and proper functioning of Parliament because that is exactly what we are here, from our constituents, to do—to legislate and go about our business. I think that my responsibility as a Government Minister is to ensure that the operational policing is able to take place within a framework where those officers feel they have got sufficient powers to do their job. One of the issues that has concerned me is the powers of arrest, because although there are general powers of arrest under the Police and Criminal Evidence Act some of the obstruction offences do not carry their own specific power of arrest, and officers have to refer to another piece of legislation to exercise their powers of arrest. So, again, although the powers may be there, sometimes they are placed in different parts of the legislative framework and, as I understand it, there is a power to arrest under Section 52 of the 1839 Act but it has never been exercised because the police tend to use their powers under the Public Order Act because that is the national legislation, they are comfortable with that, they know the requirements and they can proceed in the normal way that they would. Again, it is not a question of the power not being there, even in the 1839 legislation, but perhaps because it is not something that the constables are used to exercising then it does not get used, and our law has got to be law that is easily understood by all parties and easily implemented. So if there is a case for clarifying our law and perhaps some new powers as well, then certainly we would not be reluctant to take that forward.

Chairman: I think you are right that the 1839 Act is not working, and that is one of the reasons that we are in some difficulty.

Q109 Mr Burnett: Just very quickly, we have discussed with the Commissioner the business of balance, which you have referred to, and the creation of an eyesore in Parliament Square and the annoyance caused to members and staff by the use of loudhailers. Is there, in general terms, anything you would like to add to or resile from in what the Commissioner said in evidence to us?

Ms Blears: No. The issue of loudhailers is quite interesting because it is about where you draw the line from somebody shouting rather loudly to using amplification, which then becomes something that could cause alarm, distress and harassment. If somebody is shouting very abusive language, through a loudhailer, then they could be in breach of

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some of the public order provisions (I think Section 5) which specifically set that out to be a criminal offence. Therefore the law is pretty robust, it is in place and it can be used. However, it is when somebody, perhaps, shouts something which is not abusive or would not give rise to distress but shouts it so loudly that it causes people incredible annoyance and inconvenience in terms of carrying out their work. There are a number of ways of looking at noise which are different. The other thing in here as well, in relation to noise, which I think is very interesting is that you have then got another series of laws in relation to noise which are environmental health laws, completely out-with the public order framework. I think we used to have the Control of Pollution Act but then we got the Environmental Protection Act—which again is about whether or not something amounts to a nuisance in terms of whether you can get an enforcement notice, a stop notice and the whole panoply of local government powers that come into play in relation to that noise. I think the particular issue raised by the Commissioner around noise is something which is increasingly becoming a difficulty for us because it can veer from something which is a legitimate noise and protest—a chant of some kind—into something which is absolutely intolerable and does interfere with the running of the House, and therefore, I would want to look at the proposals in that area.

Q110 Mr Atkinson: There is no power of arrest under the various environmental acts?

Ms Blears: Not that I am aware of.

Q111 Mr Atkinson: So it is a bit like the ladies who hung up their knickers in Parliament Square? They may be breaching a byelaw but by the time they get round to prosecuting them the whole thing has long gone?

Ms Blears: Indeed, that may well be the case.

Q112 Chairman: Did you say “long johns”?

Ms Blears: I think Mr Simpson it was who said that if there was likely to be a breach of the peace then officers could use their general powers of arrest. If there is likely to be disorder the general power of arrest under section 25 of the Police and Criminal Evidence Act would come into play. Again, it is a matter for the police’s judgment whether that noise is creating a situation which is likely to give rise to disorder, and then to be able to use those powers.

Q113 Chairman: Mr Atkinson has raised a rather interesting example. There is local government power under environmental pollution, noise, nuisance, etc, legislation. I know because I have used it, and successfully, in the Westminster area. A case was brought by the Westminster City Council against a particular facility for allowing very loud music to be played very late at night and they were fined £1,000 plus costs. Is there not some possibility that this could be used even in respect of what is going on from time to time in Parliament Square here in Westminster?

Ms Blears: It may be a possibility. I am dredging back into my personal knowledge now. I used to be a local government solicitor a long time ago and I used to prosecute people for noisy premises. My recall is that that is in relation to premises rather than in the open air, and clearly much of what goes on here is in the open air. Whether or not there are similar provisions about in the open air I am not sure, but the ones that immediately spring to mind relate to pop concerts and things of that nature, so I am sure that there are noise abatement provisions that relate to in the open air, and that may well be an area worth exploring.

Mr Burnett: We have been assured that the Crown Prosecution Service are trawling through the legislation to see what they can pin on people. The problem is, to add to what the Minister has said, that a lot of it is very long-winded, the process of dealing with these matters, and, as you mentioned, the long johns are long gone by the time we manage to take any action.

Q114 Rosemary McKenna: Minister, I think it is important to reiterate that we all want to be able to have freedom of speech, democracy; it is absolutely crucial. All of us would agree with that. Nor do we want special rules for Members of Parliament, but it is about a balance that has got to be struck. I think what has concentrated our minds is two things: the recent terrorist threats plus the permanence of the demonstration that is across the road. I believe there are safety concerns to terrorist threats but I also think that that permanence means that other groups are denied the right to demonstrate because they just cannot be there at the same time. Would you like to comment on that? Would you think it would be worthwhile including in any legislation a timescale where groups could be allowed to be there?

Ms Blears: I will say two things in reply. First of all, in terms of the security position, members will know that security, certainly of the House, is taken extremely seriously indeed. It is under constant review. We have recently had the blocks put in place to try and limit the prospect of any vehicle-borne attack and we are constantly focusing our activities and our energies on trying to ensure that we really do maximise security for Parliament, and indeed for the public who are in this area, so I want to give that assurance. In terms of the permanence of the presence, I do think that is a matter of concern for many Members. As you have said, it prevents other people from gathering, but also the prospect of a person being there literally for months, if not years, is a situation that we have not come across before. Demonstrations have tended to come and go when things have been politically controversial, even for perhaps as long as six months there might be a presence, but if things were going to go on well beyond the time of the controversy then we have got a situation where a demonstration is not even connected to the issues that are being debated as the issue of the day, and that I do not think is about democracy. At the moment we can put conditions on marches about the route, the length of time, what particular highways they use, and they have to be

notified in advance. We can put conditions on assemblies but only if they are gatherings of 20 people or more. We have put forward some amendments to the Antisocial Behaviour Bill which provide that we could put conditions on gatherings of two or more persons. Those are primarily aimed at animal rights extremists who are very clever and know that the current provisions only relate to groups of 20 or more, so they gather in groups of 18 or 19 and still continue to be very distressing to the people involved. That is the purpose behind those amendments, but those amendments might help us to put conditions on gatherings and then we could perhaps look at conditions about the numbers of people, the length and duration of the demonstration, and try and get some coherence into the way that those demonstrations should take place. I think that that may well be a way forward for us. In using those conditions, again there are hurdles in that the police have to be satisfied that there is a likely risk of serious disorder. These are not just automatic powers that the police can use; it is because of the need to get the balance with the European Convention. I do think that is worth exploring and providing there is the possibility of disorder those powers may be useful, but those powers would not meet the position of us simply wanting to regulate the flow of demonstrations through that square because it is a public place and therefore being able to regulate the flow of persons is normally more appropriate for a private space rather than a public space. However, I am sure it is worth exploring.

Q115 Mr Atkinson: You did touch upon this but perhaps you could expand a little on the implications of the High Court decision in October, refusing an injunction for obstructing the pavement. What assessment have you or your Department made of the implications of that judgment?

Ms Blears: I have only had an opportunity to read that judgment briefly, and only today, so I would not want my view to be an authoritative analysis of what is some fairly complex legal argument in that case and in the submissions that were made. I want to study that case in a little bit more detail myself. Where it has led us to is a position where a judge in a particular case has reached a decision that there was an obstruction of the highway but that obstruction was not unreasonable, and that is the balance that he has drawn from those particular facts. It does appear to turn on its facts. There is a discussion of how much of the pavement was obstructed, what the physical area was, what the signs were like, how often the signs changed, and what the particular defendant's position was, so we could seek to argue that that case turned on its particular facts and was not generally applicable. However, there are some issues in there highlighted by the judge about weighing this balance which I do think are important in terms of its general applicability, and I think this is one of the hardest things for us to deal with because unless somebody is obstructive we have not got our obstruction powers, and unless somebody is creating some sense of

alarm, harassment or distress then we have not got our public order powers and there does appear to me to be a gap here such that we are not able to take action in those circumstances and I think that, together with the noise, are perhaps the two areas that are particularly highlighted to me where action might be necessary.

Chairman: Just to follow that up, and following the point that Huw Irranca-Davies made with our previous witnesses, he suggested a rota of demonstrations in Parliament Square without legislation. Clearly the person who is there now is preventing other people coming there who may well have a legitimate matter to demonstrate about to Parliament. It is, would you not agree, the permanence of what is on the other side of the road to the Houses of Parliament that is denying other people their opportunity to demonstrate and to register their point of view? Would you support what Mr Irranca-Davies has put forward in having a rota for people who wish to demonstrate in very close proximity to the Palace of Westminster?

Huw Irranca-Davies: With, Chairman, if I could be specific, more days?

Q116 Chairman: We fully appreciate the loyalty to your constituency. How would you view that, Minister?

Ms Blears: It brings to mind a couple of possibilities. If I were able to dictate what the controversial issues of the day might be then I would be a better news manager than almost anybody I can think of, and I would not ever want to be able to manage the political process in such a way that I were able to control the genuine expressions of outrage, disagreement, anger, that might be in the community about things we do in here. That to me is part of the ebb and flow of politics. Demonstration should be, I think, largely contemporaneous and really reflect the debate that is out in the country and the things that people are angry about and sufficiently motivated to come to Parliament and make their point about, so I think if we were to have a rota it would be like saying, "On a Wednesday shall we be angry about the local council and on a Thursday shall we be angry about something that Parliament have done?". I genuinely do not think it is possible to think in advance to that extent. However, the general and very important point is the one that Mrs McKenna has made, that if there is a permanent presence then that can exclude people from coming and making an otherwise perfectly legitimate point to us as Members of Parliament. I personally do occasionally stop and chat to people at the gates who are concerned about things and I find that very useful, to get a view from people who are coming to Parliament. I have occasionally run into constituents from Salford who have taken matters up with me at the gates of the House, and perfectly properly too, and I do think it is this degree of permanence and exclusivity which is something that we should be concerned about.

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Q117 Chairman: Minister, a few moments ago you yourself indicated that there appeared to be a gap in the legislation which put the police and the authorities in some difficulty in dealing with what might happen—and let us just deal with Parliament Square—in close proximity to the Palace of Westminster. If this Committee comes forward with recommendations, based perhaps in part on what the Metropolitan Commissioner will submit to us in a paper supporting the evidence that he gave today, while not seeking to bind you 100%, would you consider giving our recommendations speedy attention so that in fact we can ensure that there is always proper, ready and easy access for Members and that the security of the Palace of Westminster is a priority?

Ms Blears: Sir Nicholas, I think I can give you the absolute assurance that as soon as the Committee has reported then not just myself but the Home Secretary personally as well will look at your recommendations with great interest and a commitment, if necessary, to take action because we do regard this inquiry as a very important inquiry and one which seeks to protect the ongoing nature of our democratic process and therefore we will attend to them very speedily indeed.

Chairman: You have been giving evidence to us for exactly half an hour. I believe everything that we wanted to ask has been asked. I think the detailed evidence has been extremely good and very helpful to us and on behalf of all my colleagues on the Committee I thank you very much for coming before us this afternoon. Please extend our best wishes to the Home Secretary and can I thank you very much for the evidence you have given to us today.

Wednesday 10 September 2003

Members present:

Sir Nicholas Winterton, in the Chair

Mr Peter Atkinson
Mr John Burnett
Huw Irranca-Davies
Mr Iain Luke

Rosemary McKenna
Mr Tony McWalter
Sir Robert Smith

Witnesses: **Jeremy Corbyn**, a Member of the House, **Mr Nicholas Soames**, a Member of the House, and **Dr Jenny Tonge**, a Member of the House, examined.

Q118 Chairman: Can I warmly welcome those who are giving evidence to us this afternoon. At the moment, only two witnesses out of the three as Jenny Tonge is on her way as I know she is involved with the next debate on the floor of the House, but can I, in her absence, warmly welcome her, representing, as it were, the Liberal Party. Jeremy Corbyn, a very well-known, outspoken and principled Labour Member of Parliament who holds strong views on this whole matter of Sessional Orders and the use of Parliament Square, and of course the honourable Nicholas Soames, who again holds strong views. Perhaps some may be surprised about the views that he holds on this subject, but he again is a very senior Member of the House and an ex-minister, and we are very grateful to both him and Jeremy Corbyn and, in a moment, when she arrives, Jenny Tonge for coming to give us evidence and to answer our questions on our inquiry into Sessional Orders and Resolutions. As our witnesses may well be aware, the Speaker and other authorities of the House have been very keen for some time that Sessional Orders should be looked at by this Committee and we accepted the mandate to do that and we have taken quite a lot of evidence already from those who are involved in the House, also the Metropolitan Commissioner came here to give his evidence and we have had a useful paper from the Metropolitan Police subsequently. Can I now welcome Jenny; we fully understand your commitments today and we hope to be finished at about 3.30. The Metropolitan Police have told us that the Sessional Order and the Metropolitan Police Act 1839 do not give them any effective powers over and above the general law about public order and suggest changes to the Public Order Act. I therefore put specifically the question to you, how should the balance be struck between the right of Parliament to meet and those who work in Parliament to have ready and immediate access to the Palace of Westminster and the right to demonstrate? My second question is, should there be special provision for Parliament or should the law be the same as for disruption of any other activity?

Mr Soames: Chairman, thank you very much indeed to you and your Committee for allowing me to come and give evidence. I am afraid that my answer is inevitably rather a wet one because clearly the right to demonstrate and make your views known is of profound and first importance in this country and if we are seeking effectively in some way to curtail and limit it, there must be a very sound reason for it. I

certainly do not wish to do that in any meaningful way. I think the gentleman outside at the moment who has been there for a very long period of time now is clearly an honourable man holding very, very strong views, but I think that the actual manifestation of it has, frankly, now gone on for a very, very long time; I think it is very noisy and distracting; I think it is an affront to the dignity of the place and of Parliament; and I would like to try and find a way where it would be possible for demonstrations to take place that are meaningful, orderly, tidy and which do not over-egg the pudding. I believe that this demonstration has now gone on for too long; I think it represents a security risk; I think it is grossly and grotesquely untidy; and I think that Parliament Square needs to be rid of it.

Q119 Chairman: Are you saying that, for instance, there should be a limit on the time that an individual or a group of individuals can demonstrate in or on Parliament Square?

Mr Soames: Yes and I was rather hoping that your Committee would come up with some kind of formula which would not in any way limit the right to demonstrate but would mean that it was not turned into what it is. So, I think there should be a limitation of time and perhaps of material.

Jeremy Corbyn: Thank you for inviting me to give evidence to the Committee. I have indeed attended many demonstrations in Parliament Square over the years and the fact you are reviewing the Sessional Orders is interesting because the origins of the Sessional Orders were to enable Members of Parliament to have free and unfettered access to Parliament and that, in any obvious sense, means that the roads should be clear for MPs to get here in order to attend their business in Parliament and this applies throughout the Metropolitan Police area, even to the extent of MPs who are delayed by the police or whatever else in any other part of London. I think this has now been confused with people who are upset about the presence of demonstrators outside Parliament. I think that we should be realistic here. We are elected to Parliament to represent people; we are elected to Parliament to pass legislation and hold Government to account, and I do not think we should immunise ourselves against demonstrations, against public opinion or indeed against visible demonstrations of public opinion within Parliament Square. Indeed, there is a statue outside this building to the suffragettes who

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are now seen as a revered part of British constitutional history who were driven brutally out of Parliament Square by the misuse, in my view, of Sessional Orders in 1912 and, on many other occasions, other people were similarly treated. Demonstrations have begun to take place in the centre of Parliament Square in the recent past. There were people demonstrating for the extradition of General Pinochet to Chile. The police did not obstruct them from holding demonstrations there and indeed Westminster Council did not either. Later on, a number of other people have demonstrated for a length of time in Parliament Square including the Countryside Alliance, Winston the Pig and his friends, and various others. More recently, Brian Haw has now been there for two years because he believes very passionately in a contrary view on Government policy towards Iraq and the sanctions policy and I think he has every right to do that. If we announce from Parliament that we are going to somehow or other say that Parliament Square is a special place and that nobody should be allowed to demonstrate there, what are we saying to the democratic public as a whole? Is it, "We do not want any visible signs of your views being shown in the centre of Parliament Square"? I actually do not agree with the demonstrations surrounding Winston the Pig or the Countryside Alliance or the pro-hunting people. I profoundly disagree with them, but I should imagine that Nicholas Soames probably agreed with the Countryside Alliance and he indeed spoke to them there. I actually have a lot of respect for Brian Haw, but my principle is that the right to demonstrate and the right to express an opinion there should be maintained. We are not the only Parliament in the world that has gone through this kind of issue. Outside the White House at the other end of Pennsylvania Avenue in Washington, there has been a demonstration for some years of people calling for peace around the world and there has been an aboriginal tent city outside the Australian Parliament for a long time, though they are now taking legal action to try to end that which has led to a great deal of protest in Australia from people who believe in the right of free expression. I think the Sessional Orders work as they are in the sense that they provide for the streets to be clear for MPs to get in to Parliament and we should allow demonstrations to take place in the centre of Parliament Square. We are after all beholden to the people who elected us here. It is not up to us to say who can and cannot protest.

Q120 Chairman: You are of course aware that the GLA bye-laws do not in fact currently allow demonstrations in the centre of Parliament Square and we have that in writing from the Finance and Performance Directorate of Mr Livingstone's authority. The real problems currently lie with the pavement around the central part of Parliament Square. I say that purely as an observation at this stage in order that people do not think that in fact

there is currently the right and that we are trying to take away the right to use the centre of the grass area of Parliament Square.

Jeremy Corbyn: Tony Benn and myself both gave written statements to the court when Westminster City Council tried to remove Brian Haw unsuccessfully from the centre and the High Court proceedings therefore in effect have allowed the demonstration to take place.

Q121 Chairman: But it is on the pavement, not on the grass area of Parliament Square. I am sorry, that is a fact.

Jeremy Corbyn: But the pavement is free for people to pass along; they are not prevented from passing along that pavement; I do so myself. However, it is not actually an easy place to pass along. You have to want to get to the centre of Parliament Square to want to pass along that pavement because there is nothing there other than grass and some statues and an awful lot of traffic in between.

Dr Tonge: Chairman, I am so sorry that I was late. Frankly, I agree very much with what Jeremy has said, but to say that I would actually go out and demonstrate in Parliament Square if anyone said we should take away the right of British citizens to demonstrate against what is happening . . . I think it is quite extraordinary that there has been this fuss about this one particular man. I was going to mention the suffragettes but, more recently, the Countryside Alliance made a terrific hullabaloo and an enormous mess and disrupted things far more than Mr Haw is doing at the moment. I am sorry if this sounds flippant, but I actually find it rather fun and think it makes life more interesting. I did not find at any stage it prevented my access to Parliament; you can always go underneath or you can fight your way through or you can ask a policeman to help you. This can be a pretty boring place and to have a few genuinely ordinary people who feel very, very strongly about things, even if you do not agree with them, demonstrate outside is, I think, a very, very healthy thing. I would not suggest to this Committee that we should be encouraging it because I would not want to ruffle your feathers but I certainly do not think we should deny the right to do that. I suspect that one of the problems with the present demonstration is that it is really rather disappointing; it is a bit mucky; it is a bit sleazy; the posters are not very good; there is no professional expertise gone into drafting them; there are no pretty pictures; there are no good Letrasetting, which is what we used to use for our leaflets which were very good; nobody seems to have heard of a computer. It is all a bit tatty looking and therefore offends the largely middle-class population that comes to the House of Commons every day. I think that is one of the problems. I think the other problem is that a majority of people in this House voted for the Iraq expedition and I suspect it reminds people every day and several times a day of the problems that has caused and so it makes them feel uncomfortable. Chairman, you mentioned the point about it being a pavement. Could someone purchase the pavement and plant shrubs there instead if they feel so strongly

about it? Could the pavement not be turned into a garden of memory or something else be done with it? I am quite sure that the noise can be dealt with by the Environmental Health Department. The noise has been very persistent and very disruptive during the summer and I am asked by my researchers and all my colleagues to say that they have found it very disruptive of their work throughout the summer. I cannot understand why Westminster Council's Environmental Health Department has not acted on the noise issue. I would hope that it does not require a change in an act to do something about it because that is going to take an enormous amount of time.

Chairman: I can only say that this Committee will study all the evidence we are given, both in writing and orally as you are giving to us today, and clearly we shall have to reach a decision as to whether any action is required and, if so, what action.

Q122 Huw Irranca-Davies: Following on from the discussion we have already had, it seems to me two pictures have been painted so far. There is a great value in spontaneity of protest that suddenly appears and bites you in the posterior, if I can put it that way. However, one aspect is the unregulated free-for-all that might appear out there. Some of the demonstrations we see are, as described by Dr Tonge, immensely well prepared, very aesthetically pleasing and so on and so forth and those that are equally effective but rather raggedly looking. There is also the other argument that says that there may be a benefit—and I am not making a value judgment on this—to democracy and free speech in actually not allowing it to those who can shout the loudest and make the most effective spread to the exclusion of everybody else, but some way in which we could allow demonstration of free speech there that would allow other people an opportunity as well. I think there is a danger of focusing purely on the current occupier and certainly the discussions of the Committee have spread a great deal wider than that to encompass where we go from here and consider other demonstrators and other protestors.

Mr Soames: I would like to make it clear that I am not proposing an end to demonstrations in Parliament Square and I did not say that. I am most emphatically not suggesting that. I am actually talking about Mr Brian Haw. I wholly agree with you, Mr Irranca-Davies, but I do not have to take Jenny's view of Parliament. I think there is a great deal to interest one here; I do not take the point that Mr Haw's demonstration has greatly added to the jollity of Parliament in any way. The point I am making is that I think there should be a limit to what I call a residential demonstration. I have demonstrated in Parliament Square with the Countryside Alliance and I have spent an entire night under canvas accompanied by assorted hounds and hunt supporters as have other people, but that was a time-limited thing and it may be that that should be limited too. I am not concerned with closing this down, all I want out of this is a sensible and realistic structure for all demonstrations which does not impinge. If 500 students suddenly want to descend on Parliament

Square, that seems to me to be a public order matter. They may or may not be breaking the law but that is a matter for the law to deal with and the Sessional Orders as they may or may not be. What I am talking about is a type of Brian Haw demonstration where nobody doubts his sincerity, his stickability and all the rest of it, but I believe now that it is an affront to the dignity of Parliament and that it should go/move off. That does not mean that I do not accept his right to say it but I want him to go and say it at Speakers' Corner and camp there.

Jeremy Corbyn: I do not think that Parliament has ever really got it right on how to deal with either demonstrations or people who lobby Parliament. Indeed, it has got slightly better during the 20 years I have been here, but I think it is still poor. It is only fairly recently that Westminster Hall has been used for lobbying, for example, as it is today and that is fine and that is how it should be used. I think that a number of people who come to Parliament come with high expectations and with a wish to be able to lobby and influence Members of Parliament. Most who come spend a wet afternoon standing around in Parliament Square getting very angry and go home very disillusioned at the end of it. We have a duty to talk to people and people have the right to be able to talk to us. I became involved in this because I support the right to demonstrate, but I also became involved because of the amendment that Graham Allen put down to Anti-Social Behaviour Bill in which he appeared to be saying that the Secretary of State should have the right to decide who should demonstrate in Parliament Square or not. I think that is absolutely outrageous. The idea that a Secretary of State should decide to put in an order which would prevent or not somebody demonstrating against a particular point of view in Parliament would be, in my view, wholly wrong. I honestly do not see a huge problem. I think Jenny is right when she says that some people are offended by Brian Haw's presence there. Well, sure, the posters are not pretty and the pictures are not pretty, but what is happening in Iraq is not pretty. If Brian Haw has the courage, the self-belief and the determination to show that to us, I do not see anything wrong with that.

Q123 Chairman: Would you not agree that perhaps by his presence there for the period that he has been there and his determination, it would appear, to be there for some time in the future, he is actually denying other people the opportunity of coming to use Parliament Square for a demonstration? If there were unlimited people like Mr Brian Haw—and certainly one respects his principle and commitment—there would be total chaos. Do you not agree with Nicholas Soames that there should be some order and regulation in respect of those who wish to come to Parliament Square?

Jeremy Corbyn: I think we are in danger of trying to solve a problem that does not yet exist. Brian Haw has been there now for two years and, during

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that time, various other people have been there including the Countryside Alliance and the hunting lobby. I was doing an interview with Brian Haw for a Canadian television company and the hunting people co-operated with Brian in being quiet while the interview was going on and he moved his posters in order that they could be there, even though, as far as I understand it, he is probably against fox hunting, but that is not the issue. He co-operated and they co-operated. They both recognised from entirely different points of view that they had a right to be there and a right to demonstrate.

Q124 Mr Atkinson: I, like Nicholas Soames, was taking part in the Countryside Alliance demonstration—and we did not leave a mess, Dr Tonge—and, because of the presence of Mr Haw, a number of the Countryside Alliance demonstrators spread out onto the green area and they were then committing an offence and, as we have seen in correspondence from the Greater London Authority, they were considered for prosecution under the bye-laws but ultimately, because it was a one-off demonstration, the GLA decided they were not worth prosecuting. So, there is a problem with Mr Haw occupying the pavement where other demonstrators could demonstrate without the risk of prosecution.

Jeremy Corbyn: That Countryside Alliance demonstration occupied most of the Square because of all the dogs and so on that they brought with them. They could not have fitted on the pavement anyway, they would have either been on the road or on the Square. On the days of all the large anti-war marches, there have been large numbers of people in the centre of the Square and the GLA and Westminster Council did nothing about it and I do not think there was an issue with the Countryside Alliance either.

Q125 Mr Atkinson: But do you see the problem? They could have demonstrated on the pavement area if it were not for Mr Haw.

Jeremy Corbyn: Not with the numbers they had and the size of those dogs. They are large dogs.

Chairman: I think that this Committee is concerned and is aware of the facts and it is of course matters relating to barring access to Members of Parliament and other people who wish to come to Westminster and to the Houses of Parliament and, though we have not touched on it yet, security as well.

Q126 Rosemary McKenna: I want to speak about an event I actually witnessed when, because of the number of people there and because of the permanent presence that Mr Haw has become, small children were on the road and, due to the sheer number of people there, the police had to act very, very quickly to put barriers onto the road, not the pavement. That concerned me greatly because I do think there is an issue here. These were not the young adults who sat down in the road, these were the very small children who were there with their parents demonstrating. I have demonstrated on

many occasions and I want people to be able to demonstrate, but I want them to be able to do it safely and I want them to be able to do it without fear or hindrance. Actually, we do not know that there is not a problem because we do not know how many people have not gone onto there because they do feel intimidated by the permanent presence that is there at the moment. I think there are a number of concerns around it and we have had a number of concerns expressed by other Members of Parliament. How do we balance the right to demonstrate and the right to be in our faces—and I do not object to that—with the security of people and the rights of others because we do not know that they are not intimidated?

Dr Tonge: I think that the way to go about it is to somehow change the conditions out there. I think that anything else will be seen as curtailing the freedom of the British public. We are legislated against a great deal; there is a law about everything at the moment; people feel they are being interfered with and told what to do.

Q127 Rosemary McKenna: My constituents do not.

Dr Tonge: Maybe yours do not but a number of mine do and they object to it very much. I am trying to think creatively. I can remember having a number of problems many years ago when my children were teenagers with demonstrations outside my house late at night because certain teenagers were not being allowed into the party that was going on—I am sure members with teenage children have experienced this phenomenon that, when they know there is a party on, the hoards descend—and people told me that I should call the council or that I should ring the police, but I found that the most effective thing of all was to turn the hosepipe on them. I told them first that they would get very wet if they did not go away. They did not go away and they got very wet, but they did not come back. I am not suggesting that we use water cannons on Brian Haw but just changing the environment in which people operate may be a way. I do not know why that pavement is there. It is not used for pedestrians; it cannot be. I was stuck on it once and there is no way out! You have to walk all the way round to get to a pedestrian crossing. It really is an island that is very, very difficult to get off. I do not know why the pavement is there. Maybe if the pavement was not there, we would not have so much trouble with resident protestors. People could still come and protest as much as they like but they would not be able to take up residence because there would not be a pavement.

Q128 Rosemary McKenna: I do not see how you can balance your request for freedom of speech with taking away the pavement. That just does not make sense.

Dr Tonge: The pavement is not used by pedestrians, so why have the pavement?

Q129 Chairman: What you are saying, Dr Tonge, is that you believe that the whole of Parliament Square should actually legitimately be used for demonstrations because currently the law is that it cannot. We are not, as it were, going to pass a law that it should not be, but the fact is that the central area of Parliament Square is currently not to be used for demonstrations and that is already in GLA bye-laws.

Dr Tonge: Chairman, I am happy with things as they are. I freely admit that. That annoys you, I know, but I am. I am not concerned about what is going on there.

Mr Soames: I think Rosemary McKenna has come up with the most important point. To be frank, I think a number of options need to be prepared that would allow demonstrations to take place in Parliament Square, which I think are extremely important, that are consistent with public safety, which, I agree with you, is of the first importance, and public order, which is also of great importance, but that those options should include *inter alia* the rule that there should be no permanent demonstrations or what I call residential demonstrations in Parliament Square. I do not seek to restrict Brian Haw's ability to come and demonstrate in Parliament Square at all, but I do object to him being there for such a long period of time and I particularly object to the disruption and the persistent disruption to the work of Parliament which that noise and presence creates, and it does create it. I know that this is very, very unfashionable and I know that people will laugh at me for saying it and that most Members of Parliament seem now to believe that it does not matter at all, but I think that the dignity of Parliament matters. I entirely take the point both my colleagues make about Brian Haw demonstrating against the very serious situation and squalor that exists in Iraq, but I do not think that applies in Parliament Square.

Jeremy Corbyn: I would like to make a couple of points. Firstly, Brian Haw does co-operate quite well with the local police and he does clean the pavement on behalf of Westminster Council, for which he does not seek any remuneration! With regard to the issue Rosemary McKenna raised about safety, yes, I understand that. The demonstrations that took place against the war in which school students and younger children were involved were very large. They could not have been accommodated on the pavement whether Brian Haw was there or not. There may well be a case for extending the sort of traffic control measures that have happened in front of St Margaret's Church and in front of the House of Lords to expand the pavement area in front of Parliament and of the Square itself to make the whole place more pedestrian friendly rather than an incident on a main road going through central London. Maybe we should look at that. There is no traffic anywhere near the Swedish Parliament, for example; people can walk freely all around it and it is virtually a traffic-free area. That is quite difficult to create in Central London but surely it is worth thinking about.

Chairman: Can I say, Mr Corbyn, from the chair, not wishing to debate this matter, this is an issue that is under consideration but for the much longer term rather than the shorter term and it does not entirely rest with Parliament, although access to the House of Commons and to the House of Lords for staff and Members clearly is of critical importance. We have not yet touched on, though we will do before we finish, the matter of security about which the police are deeply concerned.

Q130 Mr Luke: I think there have been some innovative suggestions on how we can resolve this problem to allow free access to Parliament, perhaps by reducing the traffic flow around Parliament Square. We have been told by the Metropolitan Police that they do not have the powers to properly regulate the Square and that we should legislate for this circumstance. Does the panel think that the use of parliamentary time could be taken up in more meaningful and productive ways and that perhaps a more technical environmental solution would be the best way out of this problem? Jenny, you spoke about doing away with the footpath and that would be one solution because it would become part of the open space under the GLA, there would be no demonstrations allowed and Mr Haw's demonstration would be concluded, or an area could be created in front of Parliament with no traffic which would also be a way out. The issue is, does the panel feel, given the number of problems we have to face up to and the legislative time allowed to deal with specific Acts, this is a useful way to use parliamentary time?

Dr Tonge: I do not think it is a useful use of parliamentary time. I think it would be quite ludicrous to use it for this purpose when you remember how long it takes to get legislation through. A loophole would be found, it always is, and something else would happen and then we would have to revisit the legislation. I said at the beginning of my remarks that changing the geography of the area, either as I have suggested to make the whole lot a park, a flower garden or whatever in the middle, or, as Jeremy suggests, pedestrianising the whole lot, is a far better way of dealing with it if you really think that this is a terrible issue worthy of spending time on it.

Q131 Chairman: I hope the witnesses will take account of the views of the authorities of the House, the Serjeant at Arms and indeed Mr Speaker himself who is conscious of the problems that have been created for Parliament and nobody represents the freedom of the House and the authority of the House more than the Speaker of the House, as well as the Metropolitan Police who have expressed very legitimate and well-argued concerns about access to the House, safety and security.

Jeremy Corbyn: Chairman, I do not think it would be a useful use of parliamentary time to spend on a Bill on this matter. I am not sure there is a huge

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problem here anyway and I think the complaints have only arisen because of Brian Haw and what he represents.

Chairman: We understand the sincerity with which you advance your views about Brian Haw and many of us agree with the commitment and the principle of his position.

Q132 Sir Robert Smith: I just want to pin down from the EDM this conflict of evidence we are getting about where the right comes from because you have noted the right to protest in Parliament Square as an historic right and yet the Greater London Authority say to us that, historically, rallies and demonstrations have never been permitted on Parliament Square garden. Also, previous briefings tell us that prior to the repeal of acts about tumultuous processions and so on, demonstrations were not allowed to come anywhere near Parliament and were within cordoned streets further away. I just wondered what the basis is. Is there an historic right or has it been an historic practice?

Jeremy Corbyn: It is historic practice that I think becomes a right. There have been demonstrations in Parliament Square and certainly, as I said at the beginning, during my time in Parliament, there have been more demonstrations and the police have actually allowed them and indeed in some cases have encouraged them to come nearer to Parliament. I do not see a great problem with that providing Members, staff and so on can get in and out of the building. That is obviously crucial.

Q133 Chairman: Following up on what Sir Robert Smith has said, some may be surprised but, as I have said to this Committee before, I myself have taken part in demonstrations with textile workers marching from Hyde Park after a rally and the closest we were allowed to come to the Palace of Westminster—and it was accepted quite readily by the trade unions and others involved in this demonstration—was the Tate Gallery. I think it has only been in the last 20-plus years that—

Jeremy Corbyn: It used to be a mile but I am not sure where that mile came from.

Q134 Chairman: Certainly in my experience, it was the Tate Gallery.

Jeremy Corbyn: I am not sure who decided the mile.

Chairman: I think it was the police and the authorities of the House. I do make it clear that the history of demonstrations, as Sir Robert Smith is trying to make clear, does not actually go back that far.

Q135 Sir Robert Smith: I think everyone is going round in circles because, as you say, there is perhaps possibly a structural solution, but it does seem an amazing management thing that the Sessional Orders which the police say give them no power yet we pass them every year and there is the GLA who say that you are not allowed to demonstrate on the grassy bit, yet everyone in this

room seems to have been on a demonstration in the grassy bit. So, the solution, if there is one, is not obvious. Dr Tonge has made a point about the noise. If people are finding it difficult to do their jobs, not MPs but other people, because of a level of noise caused by accompanying equipment, is that a legitimate matter to try and balance up or is that a matter which Environmental Health should be able to deal with anyway?

Jeremy Corbyn: I would have thought, as Jenny suggested, it was an Environmental Health matter. Brian Haw is not particularly noisy; he has very poor equipment. You may wish to provide him with better equipment, I do not know! There is a group that comes once or twice a week to make their views known and they have much louder equipment, but that is an issue that can be resolved. Also, sometimes the blunderbuss of legislation and regulation is not very helpful. Quite often, it is better to go and talk to them.

Q136 Mr Burnett: Do you mean it can exacerbate the problem?

Jeremy Corbyn: It may do.

Mr Soames: I accept what Sir Robert says about so many people being involved in this—there are the Sessional Orders, the police, the GLA and what-have-you—but this is what, surely, good, sensible people come together to try and cut through and to say, “This is not a very satisfactory way. We are going to get these people together and we are going to come up with a plan.” That plan could deal with a number of possible options, of which I happen to believe one should be “no residential demonstrations”. The Select Committee will, in its wisdom, debate all these matters and, again, I hope we are going to come onto the question of security because I have had extensive correspondence with the police and others on this. There are other matters here. During the anarchist demonstrations, the police allowed the demonstrators through Parliament Square and they did untold damage, amongst other things, to the statue of Churchill. Some of these things get way out of control. Why did the police allow them to go into Parliament Square? It was because, if they did not, my honourable friend would make a frightful stink in Parliament and there would be a terrible fuss and it is almost as if they were intimidated into allowing it to happen. I think the whole issue needs to be looked at because clearly this legislation is not working in Parliament Square, the Sessional Orders do not seem to have any teeth, so how do we best put this straight within the recommendations that the Select Committee may or may not make to Parliament? As to the question of parliamentary time, we spend a great deal of parliamentary time on a number of things more idiotic than possibly sorting this out! I really do not think that is a relevant argument, with respect.

Q137 Mr McWalter: I think the problem we have in part here is that I do not think that no change is an option. We have some crazy regulations that

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get read out at the beginning of every parliamentary session which I think most members of the Committee are going to see jettisoned. They gave a veneer of protection to parliamentary activities from gross disruption, which turned out in fact to give no protection whatsoever. We obviously want to protect that activity. We have on our doorstep a World Heritage Site which we probably ought to look after or there ought to be arrangements in place in order that it gets looked after. We obviously want to protect the right to demonstrate. I was once in a demonstration when we were all told to take our placards down before we entered Westminster Bridge, which meant that nobody in Parliament could see what we were protesting about! I would have thought that was exactly the kind of demonstration they most liked! I think that is unacceptable. It seems to me that we probably do want to have Parliament Square being a unified entity as opposed to a split entity. Probably it does need to be protected in various ways and probably, looking around the place, it is the place where you are probably going to have to have demonstrations where Members of Parliament can actually work out what people are demonstrating about. I suppose what I would like from our panel is some feeling as to what they find objectionable in all of that.

Mr Soames: I find nothing objectionable with that at all because I think Mr McWalter has summed up exactly the difficulties that this Committee and all those giving evidence face. I think the point Mr McWalter has made about the World Heritage Site is not an unsubstantial one. I think it is a very, very important one. I think that how you balance that with the right to demonstrate is perhaps a difficult question and perhaps should be looked at by someone independent of Parliament who could say of this Committee's work, "Here is the evidence, here is the Select Committee's view, here is the problem, what do you think?"

Q138 Chairman: I think our three witnesses have made some excellent points. Would you be prepared, because we hope to finish in about half-an-hour, to produce a short paper, one side of A4, on how you think demonstrations in Parliament Square should be regulated? I do think that it is important that demonstrations are permitted, but could you each address how you think they should be regulated and whether they should be short term, unlike the two years which Brian Haw has spent in Parliament Square? Also, how you think we might use Parliament Square effectively to ensure that demonstrations are properly regulated and organised and do not disrupt the centre of London, the traffic flow and access to Parliament. Would you be prepared to do that?

Mr Soames: Of course.

Jeremy Corbyn: Can I just make the point in response to that request that I will obviously be more than happy to produce a paper. It is a World Heritage Site, it is a beautiful building and it is a very important part of London. Many tourists and visitors who come here see little of it because of the

amount of traffic flowing through. I am glad you are looking at the issue of traffic. I think the greater disruption is the amount of traffic that is funnelled into Parliament Square by the traffic management scheme.

Q139 Chairman: Of course, this is a matter for Westminster City Council and, if I may say, the Greater London Authority. Clearly, all the papers we have received will in due course be made public and so you will be able to see precisely the current status and what is being thought about.

Jeremy Corbyn: Lastly, on a police issue, they have this arbitrary rule of one mile and, as regards the business about placards, I remember a bizarre discussion when we were told to take down a trade union banner when marching on Parliament Square and I told them that it was a work of art and therefore could not be removed, and that was the nature of the debate!

Chairman: You have always been amazingly . . . I am not sure what the word is!

Mr McWalter: Troublesome?

Chairman: Extremely!

Q140 Mr Burnett: There are perceived shortcomings in the Metropolitan Police Act 1839 and that is the Act upon which the Sessional Orders worked or are granted to them. In fact, that Act does not give a power or arrest where there is a breach of Sessional Orders and the Commissioner himself makes his directions. Would you be happy to see that Act tightened up in order to allow some semblance of authority and criminal sanction for breach?

Dr Tonge: I am not familiar with the Act, so I do not think I can comment on that. I think to make demonstrating against something about which you feel strongly into a criminal act would be appalling.

Q141 Mr Burnett: I am talking about MPs and their staff coming to and from Parliament.

Mr Soames: You mean the obstruction?

Q142 Mr Burnett: Yes, the obstruction. Currently, the Act is not adequate. The Commissioner has told us that they do not have adequate powers to enforce Sessional Orders. Do you think that the law should be changed to ensure that there are proper statutory—

Dr Tonge: We are not obstructed. We have underground passageways. How can we be obstructed?

Mr Soames: You could easily be obstructed and there were Members of Parliament who were obstructed. I remember in a division in the last Parliament, this was raised by the Speaker when Members could not get through. In answer to your question, I think that part of the issue you are looking at are the Sessional Orders.

Q143 Mr Burnett: Currently, they are unenforceable.

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Mr Soames: It seems to me that they themselves—and I have not taken part in the rest of your debate, Chairman—need to be subjected to the cool light of modern day as to how relevant they are and indeed as to whether or not they should be made to have the teeth to enable such rights as Members of Parliament need under our present system to be here and, if that were to come to the sort of matter you are talking about, I think that would be fine as long as it was within the context of a modernised sessional order.

Jeremy Corbyn: I am not sure that there is a huge problem here. The Sessional Orders require the Commissioner to allow MPs to get in and out of Parliament. They do the best they can.

Q144 Mr Burnett: There is no sanction.

Jeremy Corbyn: I was delayed by the Prime Minister's motorcade the other week; I could not get in because Whitehall was closed to enable him to cross Whitehall. I was not best pleased about that, but these things happen. It is quite often that it is traffic that delays people more than anything else. He was not arrested for delaying me!

Q145 Chairman: Dr Tonge, if I can just take you up on your point that there are passageways under Parliament. There are indeed but there is also supposedly access, whether you like it or not, for motor vehicles and for those that are servicing Parliament as well. If you were actually aware of the number of vehicles that need necessarily to get into the Palace of Westminster each and every day, I think you would be amazed. You may say that Members should come in any other way but by car, but the fact is that we live in free country and, at the moment, it is essential for them to use a vehicle to get here at certain times of the day and it is obviously important that Members of Parliament who are serving Parliament should have ready, and unimpeded, the phrase used rightly by Jeremy Corbyn, access.

Dr Tonge: I repeat that, if you are seeking a solution to this problem, it has to be to do with the layout and the geography of Parliament Square. You would have to have an effectively pedestrianised area in front of the House with access for vehicles going into Parliament. I have been held up, as Jeremy says, by ordinary traffic; I have been delayed for votes when I have had to come back from my constituency; I have been held up by traffic in Parliament Square and unable to get into the House because of the traffic congestion. There are all sorts of ways of delaying car access and it is not just by demonstrators.

Chairman: The longer-term layout of Parliament Square is not a matter for us.

Q146 Mr Burnett: I did not actually restrict my point to demonstrators. What I am saying is, do you think that the law should be changed if we are told by the Commissioner of the Metropolitan Police that it is unenforceable?

Mr Soames: I am sorry, what is your point?

Dr Tonge: John was asking me and I am not familiar with the Act, I have not read it and I do not have it to hand, which is very remiss of me. I will comment on that point in my paper.

Jeremy Corbyn: I will comment in my paper. I think the issue is, can MPs and their staff get in and out of the House, yes or no? The answer at the present time is "generally speaking, yes". I think traffic is a much bigger problem than demonstrations.

Chairman: The point is taken, but what is important is that there should be unimpeded access at all times, not just at some time or most of the time.

Mr Burnett: My question actually does not just refer to demonstrations, it refers to the Act as it is now. The police have no power. It does not relate solely to demonstrations, it relates to the unimpeded right of MPs and their staff to come into the House and back to their homes thereafter.

Q147 Chairman: If I were to ask our Clerk to send matters relating to the appropriate acts and the bye-laws, would that be helpful?

Mr Soames: It would be very helpful.

Jeremy Corbyn: I look forward to receiving it.

Dr Tonge: I cannot wait!

Chairman: I think it is important that we come up with the right report with the right recommendations responding to the, what is I have to say, genuine concerns that have been expressed to this Committee, not least by Mr Speaker and that is one of the reasons why we are carrying out this inquiry.

Q148 Mr Atkinson: May I just make one remark about the question of unimpeded access because I think that historically when we talk about unimpeded access, it was not a worry about our inconvenience or our staff's inconvenience, it was actually preventing Members of Parliament having unimpeded right to vote. Of course, if you go back a few years when they used to bring MPs in ambulances from St Thomas's Hospital, you could have actually brought the Government down by impeding one or two MPs' right to vote. I think that is where the origin of that came from. One of the concerns which the Metropolitan Police have put forward is that they have created, because of the heightened security issues, a security zone called "The Government Security Zone" which includes the Palace of Westminster, which they consider obviously a target for terrorism and they are concerned not only for the safety of Parliament but also the many tourists around Parliament. The police believe that the presence of demonstrations could in some way camouflage some form of terrorist attack. I just wondered whether you had a view on that and whether you thought that was a justified fear or whether you think it unjustified.

Mr Soames: I have been in correspondence with the Commissioner on this matter, to whom I wrote and I think I referred a copy to the Chairman. I have no hesitation in saying to this Committee that I

believe it is a miracle so far that there has not been a further terrorist attack in London and I think there is almost every likelihood that there will be. I do not mean to be alarmist but I am quite clear that there is very likely to be one. I do believe that the police are extremely anxious about Brian Haw's demonstration from the point of view that it is very easy to muddle a lot of people up behind all his signs and everything else and that it provides or could provide almost near-perfect cover. By "cover", I do not mean protection, I mean the physical cover of getting people there who may represent quite a serious threat to the Palace of Westminster. I think there is an added security risk and I do not mean to be alarmist, it is not the only and by far not the most important reason why I believe Mr Haw's particular demonstration or demonstrations like it should not be allowed to take place there, but it is a factor and I think that the Committee should and I know will wish to have the very strongest regard to the views of the police and the intelligence service on these matters.

Jeremy Corbyn: Brian Haw is there because he believes strongly in peace and a peaceful solution to issues. In my view, he is not in any way any kind of security threat and I do not think anybody is saying he is.

Mr Soames: Certainly not.

Jeremy Corbyn: If there is a security issue, then the police do have powers to search people and they do have powers to ask people what they are doing and why they are there and they can use those powers, but I think I should also say that if we are serious about defending the principle of democratic rights to protest and representation, then a balance has to be created and demonstrations have to be allowed.

Q149 Chairman: Can I substantiate what Jeremy Corbyn has just said by adding the fact that, on a regular daily basis, the police do of course inspect what is going on on Parliament Square and the pavement that surrounds the World Heritage Site.

Jeremy Corbyn: I understand that he co-operates very well.

Q150 Chairman: He does indeed and nobody is going to say anything that is damaging to Mr Haw in respect of his activity, although people take exception to the period he has been there and the type of material that he has on display.

Dr Tonge: I suppose that the point that Nicholas Soames has made is quite valid in the era of suicide bombers, but could it not equally apply to the massive queues and crowds around St Stephen's Entrance waiting to go into the Strangers' Gallery? There are an awful lot of people congregating all the time even when there is not a demonstration. In the school holidays, the whole area is just thick with people. It is very difficult to devise a solution that would exclude a potential suicide bomber, for example. Secondly, is the Committee intending to actually have Brian Haw as a witness? It may be quite interesting to hear from someone who is currently demonstrating.

Chairman: It certainly was not and at the moment is not our intention.

Mr Burnett: We did raise getting demonstrators to give evidence in private session.

Chairman: This matter has been discussed by the Committee in private session, but I am sure that there could not have been a more eloquent advocate for Mr Brian Haw than Jeremy Corbyn and to a lesser extent from another party, Nicholas Soames, and yourself, Dr Tonge. So, I am not sure that Brian Haw himself could add very much to the eloquent way in which the three of you, as witnesses, have actually justified what Mr Haw is seeking to do.

Q151 Huw Irranca-Davies: From a previous incarnation, I am very familiar with the theory, as opposed to saying that I have been on X number of demonstrations, of crowd control and the theory of what physically an area can sustain and what also from the perception of people who use that area can sustain as well before it becomes unpleasant either as a working environment and also what becomes unpleasant for a constituent of yours who comes and is confronted with, not necessarily with Mr Haw, but I will give you three examples. You have the contrasting examples of the Trade and Justice Movement with a formal line going across the bridge and around the corner, very quiet, very peaceable and very effective, snaking all the way into the House of Commons; you have in between that one that has not been mentioned, the very formidable Police Lobby that happened where thousands of tall, strong-looking policemen swarmed across the whole area and lobbied quite effectively in a different way; and then you have at the other extreme the anarchist approach. I think what the Committee is trying to put to you and what I would like to say is that there must be some way of modifying behaviour. I agree with your comments on, if you like, the technical aspects of reconfiguring the Square in some way and that might be one way of looking at it, but because this whole area is a lightning conductor of public opinion, the big hot issues will be demonstrated on it, whether it is the police or the Countryside Alliance, and there has to be an effective way to modify that behaviour into acceptable forms in order that we do not have the safety issues that we were talking about earlier on, in order that we do not have the security issues and in order that other people also feel safe and happy within that as a working environment, as a tourist environment or anything else. I am putting that to you because, in the discussion we have had so far, it seems that you are saying you are quite happy with what goes on and what I am putting to you quite strongly is that perhaps there are exceptional circumstances beyond Mr Haw about which we have received strong representations on that it is not acceptable and, even with the issue of noise we have just discussed with Mr Haw, we have had letters from people who have been, as I have, in meetings on other issues which are equally important which have been overridden by the issue of noise. Is it not

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unreasonable to say that we should be putting forward some sort of proposal that would modify the behaviour of protest within this particular area?

Dr Tonge: I cannot help feeling that that is making a huge problem out of something that is not really a problem in the first place. The first time I remember parliamentarians really getting exercised about demonstrations is Mr Haw and his scruffy posters. I have not heard people scandalised by the Trade and Justice Movement or by the Police Lobby or by the Countryside Alliance, which was tremendous fun. I just cannot understand why everything has suddenly come to a head because one little man feels very strongly about something and is prepared to camp day and night for two years outside Parliament. I fail to understand the concern that has been generated, I suppose.

Chairman: Could I ask you, Dr Tonge, in reply to that question about which you may wish to go on at further length, are you prepared therefore to ignore totally the concerns of the Metropolitan Police as well as the concerns of The Speaker of the House of Commons who do feel that the Sessional Orders and Resolutions need to be modified and that greater powers need to be available, particularly to the police, to deal with some of the matters that have been discussed today? We have received very telling and well-argued evidence from the authorities that certain action needs to be taken, not to terminate demonstrations but to regulate demonstrations. So, in answering Huw Irranca-Davies, could you respond to that?

Q152 Huw Irranca-Davies: Chairman, could I just add to that. One of the concerns we have had expressed by many quarters including the Metropolitan Police is the immediacy of a solution to a protest that suddenly arrives on the doorstep. I know what you were saying earlier on about Environmental Health and so on and so forth, but the strong feeling from the evidence we have had is that the powers are not there to take that action. I talked about a protest that comes out of nowhere and bites you on the posterior. That is good as long as it is within certain modes of behaviours and we are hearing strong evidence that the powers are not there to tackle that at the moment.

Dr Tonge: I am not ignoring the concerns because obviously a number of people are very concerned about this; I am not too troubled by it but other people are. I think they are better dealt with by measures other than by changing laws and creating more legislation and more rules and regulation or giving more powers to the police. Existing laws are there to deal with elements like noise and certainly the sort of vandalism we saw in the anarchist demonstration as Mr Soames described it. The laws are there. They were doing criminal damage and therefore the law was there to deal with that. I am just saying that you need to look at the configuration of the Square and the circumstances around that to actually control what is going on. I do not think that legislation will do it.

Jeremy Corbyn: There are quite a lot of very large lobbies in Parliament; some are very well organised and some are less so. I remember the biggest one in the early days when I was here in 1984 when 10,000 people lobbied for overseas aid; it was quite an effective lobby and it certainly blocked up the Square. Lots of others have blocked up the Square on lots of occasions. I do not see anything wrong in that. I think we have to co-operate in some way and find a way through. People have the right to make their views felt. The security issue is there all the time and, as Jenny explained, very large numbers of the public come into the Square. If you come here during August, it is completely packed with tourists who are trying to see the building. So, there is the traffic issue and I suppose in that sense there is the security issue. I have observed the policing of demonstrations and, on 20 March, the day the war against Iraq started, there was a very large demonstration of predominantly school students during the day. I thought that the policing during most of the day was very sensible and quite co-operative. In the evening, maybe not quite the same, but certainly during the day the policing was quite sensibly done. In my experience of both being a councillor in the past and an MP, the police and public authorities always want more powers. They always want powers to do X, Y and Z and claim that there is a huge problem. I am not sure that there is such a big problem as has been claimed here and I take Jenny's point that these objections have only come up since Brian Haw has been there.

Q153 Chairman: I sometimes wish that you carried more influence with your Government!

Mr Soames: Chairman, I would like to deal with this in my paper, if I may because I think Mr Irranca-Davies is quite right to raise this point. I do not agree with Jeremy or Jenny. I do think that there is a serious problem here and this is why you are looking at the Sessional Orders. It is not just Brian Haw, it is well beyond Brian Haw. I am not suggesting that we should give more powers to anyone, I am just suggesting that you need to see what Sessional Orders are required, how to make them effective and how to deal with this particular problem which has been thrown into sharp relief by Brian Haw's very courageous and very 'in your face' demonstration which does make people think. I would certainly pay very close attention to the advice of the police and, if something dreadful ever did happen and the police had not been listened to—and I am not talking about them taking further powers, I am talking about taking their advice on security matters—I think it would be a very serious matter for Parliament.

Q154 Chairman: Can we deal specifically with loudhailers because the Serjeant at Arms and the Commissioner of Police of the Metropolis have told this Committee that the issue of nuisance caused by loudhailers is in fact being discussed with the Crown Prosecution Service and the Commissioner has since suggested to this Committee an amendment to the Public Order Act

to extend to demonstrations—and I say this to Jenny Tonge and Jeremy Corbyn in particular—the same power of imposing conditions as applied to processions which would enable the prohibition of loudhailers. Would the three witnesses agree with that amendment to that particular legislation to prevent that nuisance?

Mr Soames: Yes.

Jeremy Corbyn: No.

Dr Tonge: Yes, I think I would because I think the noise is the only factor that does concern me.

Jeremy Corbyn: The reason I say “no” is because I do think that Environmental Health can deal with it.

Chairman: The police do not believe that they can for demonstrations whereas they can for processions.

Q155 Mr Burnett: Everyone in this room is in favour of the right to demonstrate but one of the matters that has been drawn to our attention is that, under the existing Public Order Act, the police are enabled to impose conditions on assemblies or protests of 20 or more persons. Do you believe that the police powers should be extended in order that they are enabled to impose conditions on protests or assemblies of less than 20 individuals where, for example, such protests could raise considerations and concerns as to intimidation, risk of serious public disorder or, for example, risk of serious damage?

Jeremy Corbyn: I think we can end up with a society that is far too over controlled. I was not in favour of that particular section of the 1988 legislation that introduced the 20-plus . . . Was it PACE, the Police and Criminal Evidence Act?

Q156 Chairman: The Public Order Act.

Jeremy Corbyn: I think it was in 1988.

Q157 Chairman: Yes.

Jeremy Corbyn: I was not in favour of that particular part because I think that it gives the police unnecessarily excessive powers to decide on who can or cannot march or demonstrate. In most parts of the country, the police operate in a very liberal way and allow any demonstration to go on. Indeed, when I discussed it with my local police in my own constituency, they said they did not want to be in the position of deciding who marches and who does not march, it is not the power they wish, so I do not see any point—

Q158 Mr Burnett: It is more assemblies.

Jeremy Corbyn: Again, how does it look to the rest of the world if we say, “Any assembly over 20 people has to be approved by the local police”?

Q159 Mr Burnett: Just imposing conditions.

Jeremy Corbyn: No.

Dr Tonge: No, I do not. I think it is quite ridiculous. It is getting on to the “two in a bar” thing!

Mr Soames: No, I do not.

Q160 Mr McWalter: One of the matters that concerns me a little is that there is in fact going on a sort of repression of the capacity to demonstrate anywhere. Many of us demonstrated in Grosvenor Square and now there are armed police all round Grosvenor Square and it is a uniquely hostile environment for demonstration. Equally, in Downing Street: you cannot get in to demonstrate outside the Prime Minister’s front door either because there are equally difficult matters there. That actually puts more pressure on Parliament Square because it then becomes the only place almost where you can begin to make your views known. Do you think that one of the reasons why—and I particularly want to ask Jeremy this—it was quite predictable that you would say “no” on the loudhailer issue is partly because, in a way, you think that an effective demonstration will have about it very often, though not invariably, a level of disruption with the idea of causing them to think again and doing something shocking that displaces things from their normal rule and hence you do not really want regulated demonstrations because a regulated demonstration is one in which the capacity for disruption is to some extent excluded. So, are you in a way protecting the right to disrupt as well as the right to demonstrate?

Jeremy Corbyn: Any demonstration causes a degree of disruption. If a march takes place, traffic has to be diverted and there is a degree of disruption caused by that.

Q161 Mr McWalter: We know that is part of the regulated one, but it is breaking the regulations governing the demonstration.

Jeremy Corbyn: There is also a great deal of disruption caused by the State Opening of Parliament when Her Majesty comes along. There are a number of things that cause disruption.

Q162 Mr McWalter: But that is disruption of the normal routine but it is regulated in a way in which someone abseiling onto the Inner House of Lords, as it were, would not be.

Jeremy Corbyn: Also, an unexpected motorcade running through London does also cause disruptions. I think we just need to keep it on a level of disruption. The purpose of a demonstration is for people to express a point of view. There is criminal law to deal with criminal activities and the police are quite capable of operating that criminal law. At some point on pretty well every demonstration I have ever been on there is a coming together between the police and the organisers to sort out how it is going to operate and how it is going to work. We cannot sit here and predict every eventuality. I think we just have to say that there is a right to demonstrate and encourage the police to co-operate with those people demonstrating to ensure that they are able to make their point in a peaceful and effective way.

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Q163 Chairman: Jenny, is there a final remark from you?

Dr Tonge: No, not at all but I look forward to reading the papers that the Clerk is going to send me.

Q164 Chairman: They will be sent to all of you.

Mr Soames: No doubt the Committee has seen the particular rules and bye-laws relating to the Royal Parks which I think are very strictly related to demonstrations and I wonder if it is worth having a look at them because I was involved in some negotiations with the Royal Parks over some of the Countryside Alliance marches which were quite difficult. I do want to emphasise that I believe the right to demonstrate in this country is absolutely sacrosanct and we must provide, within here, the

ability to demonstrate. It is merely the way it is done and its relevance to the security situation, the Sessional Orders and all the rest of it that really do, in my view, need tidying up and I am so glad that your Committee is biting this very difficult bullet.

Chairman: Can I say to Nicholas Soames in reply to what he has just said that his excellent evidence is now on record and clearly his position is very transparent indeed and I think that every member of this Committee shares his view that responsible demonstration should always be permitted in this country whatever the issue. On behalf on my Committee, can I thank Nicholas Soames, Jeremy Corbyn and Dr Jenny Tonge for coming here this afternoon and giving us extremely valuable and helpful evidence. All three of you, thank you very much.

Letter to Rt Hon Richard Caborn MP from The Reverend Canon David Hutt, the Sub Dean and Archdeacon of Westminster

It was a pleasure to meet you at the ALVA (Association of Leading Visitor Attractions) lunch on Tuesday 2 September. Thank you for your useful remarks about management within, and recruitment for, the tourism industry.

You may recall I raised with you the question of the now apparently permanent demonstration in Parliament Square. As a member of the Board of ALVA representing the Cathedrals' Group, I naturally have a particular interest in the area immediately adjoining St Margaret's Church and Westminster Abbey. You will know that this is the subject of considerable discussion at the moment with a view to altering the roadway and enhancing pedestrian access. All our efforts go into the attempt to make Parliament Square a much quieter and more worthy place at the heart of the government of our nation.

To that end, ALVA's Priority Issue 2003/04 "*Gateway London*", includes the statement: "*London has a clear 'gateway' role for England—stipulated in the Greater London Act . . .*". We might add that in terms of access to London, the City of Westminster has further significance as the gateway to the capital.

Many visitors from the continent travel by Eurostar. Quite a number of them make their visit to Westminster their first choice because of the variety of attractions on offer. Having negotiated the squalid pavements and derelict buildings south of the river, they then enjoy the incomparable view of the Palace of Westminster from the bridge, understandably the trade logo for London worldwide. Then they come to Parliament Square and are confronted with a refined form of squalor that adds noise to the medley of banners and placards. What is more, the tourist buses carry thousands of other visitors who are coming to this World Heritage site with a reasonable expectation of it being civilised.

But visitors and tourists are not the only ones to be affected. Many commute daily to work in the vicinity, and to them what was once a pleasant (and recently re-surfaced and grassed) area, with seasonal planting by the Royal Parks gardeners, provided a welcome visual contrast to the traffic. However, that is no longer so.

I'm sure that there have been one-off demonstrations—I remember a pig representing, somewhat ghoulishly, the bacon industry. I understand that no action having been taken for 12 months, a judge granted the pig, and his/her attendant, an injunction granting permanent stay.

We at the Abbey had always understood that there was a law prohibiting demonstrations within one mile of the Palace when Parliament was sitting. That view had been reinforced by the Dean and Chapter of Westminster, which has directed that no banners, posters or notices (except those about the Abbey services) shall be fixed to the railings on the east side of the Abbey and those adjacent to St Margaret's. This is partly our own sensitivity about decorum, and partly in response to complaints from members and officers of both Houses. On coming out of the Palace, they did not want to see demonstrators with banners and endure shouting. We take the same view from our perspective: we do not wish to come out of the Abbey or St Margaret's and face such current squalor. We have respected the views of parliamentarians; we hope that they may now respect those of us who live and pray in Westminster Abbey and St Margaret's.

I am told that many representations have been made to stop the bandwagon of the increasing number of demonstrations—but to no avail. Maybe it is because of a fear of adverse publicity that the Metropolitan Police, the Royal Parks Police and the Mayor of London are inactive. Protestors now use megaphones while the House is sitting, in defiance of bylaws and, despite recent warnings, there have been no prosecutions.

An appeal to democratic rights must, as always, include everyone and not only those claiming them—in this case local residents and those wishing to pray or attend services in St Margaret’s and the Abbey, people working in offices and ministry buildings and, of course, our welcome visitors to London.

Therefore, I very much hope that in view of all these considerations you will wish to add your voice and exert appropriate influence to have this eyesore, which now defaces the symbolic heart of our capital, removed.

If I can help in any way at all, or if you wish to discuss any of this further, please do not hesitate to be in touch. We at the Abbey look forward to seeing something happen. We have respected the sometimes strongly expressed views of parliamentarians and intend to continue to apply that on our territory. We should be grateful to have a reciprocal response from those who live and work in the Palace of Westminster.

One difficulty is to find out precisely who has responsibility for what. Consequently I have sent a copy of this letter to our Member of Parliament for Westminster, the Lord Mayor of Westminster, the Speaker of the House of Commons, Black Rod, the Dean of Westminster and the Chairman of ALVA.

September 2003

Memorandum by Metropolitan Police

PROPOSALS FOR STATUTORY CHANGE IN CONNECTION WITH SESSIONAL ORDERS

Paper for the consideration of the House of Commons Procedure Committee

This paper is intended as a brief summary of the views of the Metropolitan Police Service as outlined to the Committee in evidence by Sir John Stevens on 8 July 2003.

1. RECENT DEVELOPMENTS

1.1 A number of recent events have exposed limitations on the current arrangement to protect the business of Parliament and access to the Palace of Westminster.

Problems can be set out under three heads:

1.1.1 Concerns have been raised by Members that on a number of occasions they have been unable to gain access to Parliament due to demonstrations in Parliament Square;

1.1.2 The use of voice amplification devices has disrupted Parliamentary debates;

1.1.3 Some of the protests in Parliament Square have become permanent in nature, in particular that of Mr Brian Haw, exacerbating problems with obstruction and noise nuisance.

1.2 Further the police are concerned with an increased terrorist threat in the area, which has led to the creation of a Government Security Zone intended to reduce the risk to the public in a defined area, which includes the Palace of Westminster.

1.3 These problems have highlighted limitations not only with the use of Sessional Orders but also limitations in the substantive statutory powers available to the police.

2. ISSUES IDENTIFIED WITH CURRENT POSITION

2.1 The method employed to comply with the Sessional Orders (to keep passage through the streets leading to the Houses of Parliament free and open and to allow no obstruction to hinder the passage of Members and Lords) is the issue of directions under section 52 of the Metropolitan Police Act 1839. There are a number of problems with the use of Commissioner’s directions:

2.1.1 The Act is antiquated and not designed for modern day protests and issues. The age of the provision also means that it was not drafted to take account of the rights to peaceful assembly and freedom of expression.

2.1.2 Disobedience to a direction is not an arrestable offence and section 54 does not create a statutory power of arrest.

2.1.3 Section 52 should only be used “from time to time, and as occasion shall require” and therefore the issue of identical directions at the beginning of every session is arguably ultra vires.

2.1.4 As a result of 2.1.1–2.1.4 above, no prosecutions have been brought for many years. The provision therefore lacks teeth.

2.2 Other substantive police powers do not cover the situations that have arisen over recent months. For example, section 14 of the Public Order Act 1986 enables conditions to be imposed on public assemblies. However a public assembly is defined by section 16 as comprising 20 or more persons and the conditions that can be imposed relate only to the place where the assembly takes place, the maximum numbers attending or the maximum duration.

2.3 On a number of recent occasions groups of just under 20 persons have deliberately exploited the number requirement in section 14 to evade its operation. Section 14 also only operates where such assembly may result in intimidation, serious public order, serious property damage or serious disruption to the life of the community. It does not therefore begin to address the main aim of the Sessional Order, which is to ensure good access to the Houses of Parliament ie to prevent obstruction. It also does not address issues around the use of loudhailers at assemblies.

2.4 Sections 33–36 of the Terrorism Act 2000 provide police powers to designate and demarcate a specified area as a cordoned area for the purposes of a terrorist investigation but do not allow for the imposition of such cordons as a preventative measure ie when intelligence is received of an imminent attack on a target in or around the Palace of Westminster, or indeed elsewhere.

3. PROPOSED STATUTORY CHANGES

3.1 Whether any statutory amendment or enactment is to be recommended and how such recommendation would be implemented is of course a matter for the Committee and Parliament. The MPS would wish to be involved in any consultative process.

3.2 The following suggestions are made however to address the issues arising:

3.2.1 On the uppermost level, in the event of intelligence of an imminent terrorist threat, an amendment to the Terrorism Act 2000 to enable preventative cordons to prohibit pedestrian and vehicular access in order to ensure public safety;

3.2.2 An amendment to section 14 of the Public Order Act to:

- extend police powers to protests involving less than 20 persons, where such protests raise the same considerations as to the intimidation or the risk of serious public disorder, serious damage to property or serious disruption to the life of the community;
- enable the imposition of such conditions as are necessary, to bring it into line with section 11 (relating to processions)—this would enable steps to be taken in relation to the use of loudhailers.

3.2.3 An amendment to the Metropolitan Police Act 1839, or a replacement provision, to update police powers to enable access to the Palace of Westminster to be kept clear of obstruction and to prohibit the deliberate or wilful disruption of the business of government by noise amplification devices. It needs to be borne in mind that sections 52 and 54 are not limited to the Palace of Westminster and the MPS is keen not to lose the wider ability to make directions for other events in the Notting Hill Carnival. However, the wider use needs to be on an ad hoc basis only whereas it appears that the provision in relation to the Palace of Westminster should be a standing power, available whenever the House is sitting. In respect of all uses, there is a need for a specific statutory power of arrest to be created so that the provision is effective.

4. PERMANENT PROTESTS

4.1 None of the above addresses the issue of permanent protests in Parliament Square. In relation to Mr Haw, the MPS is keeping the position, and in particular the application of section 137 of the Highways Act 1980, under review.

4.2 One of the matters that has been looked at is the applicability of the Trafalgar Square and Parliament Square Garden Byelaws and it may be of interest to the Committee that our reading of section 2 of those byelaws is that the area covered by the Byelaws, as defined by reference to the Parliament Square (Improvement) Act 1949, does not include the relevant sections of the east and south pavements. The amendment of the Byelaw (or more probably the Act) would extend the ability of the police, the GLA and the Mayor to protect the central garden in Parliament Square from this type of long-term invasion.

July 2003

Memorandum from Dr Jenny Tonge MP

1. We should preserve the right to demonstrate and express opinions however inconvenient that may be for parliamentarians.

2. Speakers' Corner in Hyde Park is currently the only place in town where citizens can set up their pitch and express views, all day, every day if necessary.

3. I *personally* have no complaint or objection to recent demonstrations or the “permanent pitch” set up by Mr Brian Haw. I have never been obstructed in my attempts to get into the House of Commons, except by congestion caused by traffic in the square and along the embankment. I find the noise in the early evening [made by speakers with loud hailers] irritating and I have had complaints from my office staff about the noise disturbing their work.

4. There seem to be two forms of demonstrations:

- (a) Nationally organized marches eg Countryside Alliance, Trade and Justice, Stop the War.
- (b) Mr Brian Haw and his posters and loud hailer friends.

The former (a) seems to be accepted by everyone as legitimate and the police have powers to stop them blocking roads etc. [the anti-globalisation protest being the exception?]

The latter (b) is complained about by everyone. I suspect this is because of its untidy and squalid appearance and its references to the war against Iraq, which constantly reminds many members of the pickle the government is in!

It is not however *illegal* to be untidy and squalid in appearance, or to be against military action in Iraq. Mr Haw is not causing obstruction because he is on a pavement which leads to nowhere. He does not impinge on the grass or do damage.

5. The solutions seem to me to lie in changing the environment of Parliament Square, depending on what we wish the outcome to be.

- (a) If we want demonstrations close to parliament [setting aside security for the moment] maybe we should pave Parliament Square, pedestrianise as much as possible and allow demonstrations there. Speakers' Corner could then move to Parliament Square where MPs could hear the views of the citizens and talk to them. Another option is to set aside part of St James' Park which is also much nearer parliament than Speakers' Corner.
- (b) If we do not want demonstrations close to parliament, the police already have powers to block the streets leading to Parliament Square but they claim to need extra powers to move demonstrators like Mr Haw from pavements. Surely it is easier to remove the pavement? More shrubs and flowerbeds and constant watering from sprinklers would make life well nigh impossible for resident demonstrators. I appreciate that this would need co-operation from Westminster Council and others.
- (c) Environmental Health Departments have powers to deal with *continual* noise and these powers could be used to stop the loud hailers.
- (d) There are already powers to deal with criminal damage such as was caused during the anti-globalisation march.

CONCLUSIONS

I repeat, though I admit that the current demonstration is unsightly, I cannot have any real objections to it and have never been inconvenienced by it.

I have no expertise on security matters and have therefore not made comment.

I am concerned, however, that we may waste valuable parliamentary time trying to amend laws, just because of the current situation which is offending some people.

September 2003

Letter to the Chairman from Paul Squires, Senior Project Manager, Greater London Authority

I refer to our correspondence of 28 July regarding demonstrations on and around Parliament Square.

The GLA is constantly monitoring activities on Parliament Square. Our primary method of monitoring is through the use of our heritage wardens enforcing the Byelaws of the GLA relating to Trafalgar Square and Parliament Square and maintaining the policy of the GLA relating to rallies and demonstrations, a copy of which has previously been forwarded (a further copy is attached for information purposes).

In recent months the GLA has been concerned at the level of demonstrations occurring on Parliament Square and has sought to be vigilant in enforcing both the Byelaws and the policy. Accordingly the GLA has not authorised any demonstrations or rallies on the Square despite repeated requests.

The result has been that for the most part all rallies and demonstrations are occurring on the footpath area, which is beyond the control of the GLA (this area is within the authority of Westminster City Council).

The GLA has actively participated in enforcement of rallies and demonstrations on Parliament Square and has recently raised the matter with Metropolitan Police Public Order Branch (CO11) in order to determine whether the GLA or the police could take further action.

As most of the rallies are occurring on the footpath area the GLA byelaws are not enforceable. On the occasions that the GLA area is used or a rally flows over to this area our heritage wardens request the demonstrators to move; if they fail to do so names and addresses are taken where possible and an evaluation of prosecution through the courts is undertaken. The most common outcome is that the demonstrators move off the GLA area. On the one occasion that this has not occurred in recent months, the demonstrators were directed onto the GLA area by police in order to protect public order. In this circumstance it was not considered likely that any prosecution would be successful.

An initial review of why activity has increased in recent months has highlighted the following:

- The continuing presence of Mr Brian Haw and his associated material along the pavement area gives the impression that utilising this area for demonstrations is acceptable. (Westminster City Council have taken action against this demonstrator to Court however were not successful.)
- There have been a number of significant national issues that have polarised public opinion in recent months debated by the Government including Iraq and the Hunting Bill.
- The prevalence of organised protest groups in addition to Mr Haw has emboldened a range of protest groups who are now making the pavement area a regular site for demonstrations and rallies.

In terms of action that has been considered, the GLA capacity to enforce byelaws is limited by its authority to act only on the area within its control.

Potential action that has been given preliminary consideration at officer level only includes the following:

- Address the concern through the proposed Phase 3 of the World Squares for All project. This project envisages a redevelopment of Parliament Square, and concerns in regard to safety and security to be dealt with through a mix of design and byelaws in addition to potential land transfers. The project is however only in very formative stages and is not expected to commence works for some time.
- Transfer the land areas to the control of the GLA and apply the GLA byelaws to the whole area. This option is likely to require primary legislation and the legal, financial and legislative implications are yet to be determined, such a course of action would require significant investigation prior to any implementation and its effectiveness would need to be determined.
- Seek legislation to prohibit rallies and demonstrations in this area from central government. Any such action would as a matter of course involve GLA consultation and the implications would require further analysis.
- Provide an alternative site for such activities. Trafalgar Square has long been recognised as a public venue to conduct rallies and demonstrations and the Mayor has encouraged this practice. Demonstrators on or around Parliament Square are as a matter of routine advised of the availability of Trafalgar Square; however this has not been a successful alternative with those determined to utilise the Parliament Square vicinity.

The above potential actions have not been endorsed by the Mayor and represent preliminary analysis of options only.

The GLA would appreciate continuing involvement in any course of action contemplated for this area.

Thank you for the opportunity to comment at this stage and should we be able to provide any additional information please do not hesitate to contact me.

September 2003

Policy of the Greater London Authority on Rallies and Demonstrations on Parliament Square Garden

The Mayor's vision for the Square states that Parliament Square should be a symbolic and dignified place at the heart of government. Rallies and demonstrations on the Square are not therefore considered appropriate due to the disruption that they will cause to both Parliament and to surrounding traffic systems.

Historically, rallies and demonstrations have never been permitted on Parliament Square Garden. This practice has been continued since the assumption of responsibility by the Greater London Authority.

Rallies and demonstrations will therefore not normally be permitted on Parliament Square Garden for the following reasons:

- *Obstruction to traffic:* Parliament Square Garden is, at present, essentially a traffic roundabout. Large rallies or demonstrations on the Square would have a significant impact on the traffic system. There is concern that large demonstration banners used by protestors would also distract drivers.
- *Pedestrian Access:* There are no official pedestrian crossings onto Parliament Square Garden. Large numbers of protestors crossing the roads for demonstrations would cause a significant risk to both pedestrians and road users.
- *Environment:* Large rallies and demonstrations would have a significant impact on the fabric of the Square, especially the grass area which has no counterpart on Trafalgar Square where rallies and demonstrations are permitted.
- *Disturbance to Parliament:* Rallies and demonstrations are noisy and often use loud Public Address systems. There is concern that rallies and demonstrations on Parliament Square would disrupt Parliament whilst in session.
- *Security:* There is concern that demonstration and rallies on Parliament Square would pose a security risk to Parliament.

- *Sessional Orders:* Section 52 of the Sessional Orders states that whilst Parliament is in session “all streets leading to the House must be kept free and open; and that no obstruction be permitted to hinder the passage of members to and from this House”. The area identified within this order includes Parliament Square Garden. If the Sessional Order is breached Black Rod will call the Commissioner of Police to Parliament.

While it is recognised that the Authority must pay attention to the particular circumstances of each request, it is considered that in view of the nature of the recommended policy, there is no need for the establishment of a standard procedure for the handling of applications as exists for Trafalgar Square. Any application will have to be considered on its merits.

Reports from the Procedure Committee since 2001

The following reports have been produced since the beginning of the 2001 Parliament:

Session 2002–03

First Report	Delegated Legislation: Proposals for a Sifting Committee	HC 501 (<i>Reply: 2nd Report</i>)
Second Report	Delegated Legislation: Proposals for a Sifting Committee: The Government's Response to the Committee's First Report	HC 684
Third Report	Sessional Orders and Resolutions	HC 855

Session 2001–02

First Report	Making Remedial Orders: Recommendations by the Joint Committee on Human Rights	HC 626
Second Report	Appointment of Deputy Speakers	HC 770 (<i>Reply: 2nd Special Report, HC 1121</i>)
Third Report	Parliamentary Questions	HC 604 (<i>Reply: Cm 5628</i>)
First Special Report	Major Infrastructure Projects: Proposed New Parliamentary Procedures	HC 1031