

A Culture of Impunity

The ongoing erosion of disabled people's access to Parliament and Westminster

David Spencer

Foreword by Lord Shinkwin



Table of Contents

Table of Contents	2
About Liveable London	3
About the Author	3
Foreword.....	4
Summary of Recommendations.....	5
1. Introduction	7
2. The Equality Act and Disability	11
3. Private Hire E-bikes and E-scooters	12
4. Westminster Protests	21
5. Crime & Anti-Social Behaviour.....	30
6. Conclusion.....	34

About Liveable London

Liveable London is a major policy programme launched by Policy Exchange to champion new ideas to make London a better place to live and work. Grown out of the successful Capital City Foundation initiative, Liveable London focusses on the everyday experiences of Londoners, addressing both the big structural and small but symbolic challenges the capital faces.

The goal of the Liveable London research programme will be to identify the policy recommendations and ideas which can help bring Londoners together, bridging increasingly tense political divisions and helping ensure the capital remains a preeminent global and cultural centre.

About the Author

David Spencer is Policy Exchange's Head of Crime & Justice. He was previously a police officer with the Metropolitan Police Service. After serving in a series of uniformed and detective roles he was appointed to a Detective Chief Inspector role responsible for tackling gang crime, drug supply and violent street crime. David was the founding Chief Executive Officer of the graduate recruitment and leadership development social enterprise Police Now.

Foreword

Lord Shinkwin

Everyone should have the freedom to walk or wheel independently anywhere in modern Britain. Westminster is at the heart of the nation and should be a symbol of Britain to the world. It follows that Westminster, Whitehall and the area around Parliament should be accessible to all. However, as this report shows, this is simply not the case.

This report highlights just some of the daily challenges faced by disabled people in attempting to visit, work and live in Westminster. How pavements are frequently blocked by e-bikes and e-scooters; the impact of noise and disruption created by protestors in Parliament Square; the implications of crowds gathering around those committing criminal offences on Westminster Bridge. What may be an inconvenience to many people can easily become a huge barrier, and even present grave risks, to people who have a disability.

The law should provide protection and support for people who are disabled. Nonetheless, it is clear from the day to day lived experiences of many, that a culture of impunity has arisen in Westminster. This is enabling the direct and indirect discrimination of disabled people and cannot be allowed to continue. The authorities responsible for Westminster, including the Metropolitan Police Service, the City of Westminster and the Parliamentary Authorities must take seriously their obligations and should consider in detail the contents of David Spencer's considered report.

A series of sensible recommendations are provided which would make a marked difference to the disabled people who visit, live and work in our capital city. They should be taken up by those responsible as a matter of urgency.

Summary of Recommendations

E-bikes and E-Scooters

1. E-bike and scooter hire companies, as a condition of operating, should be required to pay for the full cost of installation and rental of 'e-bike bays' across the City of Westminster.
2. The Department for Transport should introduce a licensing scheme which places an obligation on companies who hire e-bikes and e-scooters to the public to remove dangerously or irresponsibly parked bicycles immediately (or at the very most within an hour) of being reported.
3. Where users of e-bikes or e-scooters park their bikes in an irresponsible manner, for example in a way that obstructs the pavement, they should be subject to financial penalties similar in size to those imposed for unlawfully parked motor vehicles. If repeatedly fined, users should be subject to bans from using e-bikes and e-scooters. The City of Westminster should use the proceeds of fines to enable parking enforcement officers to expand their duties to include poorly parked e-bikes and e-scooters.
4. The Government should institute a review by a wheelchair user parliamentarian of the effectiveness and use of policing powers to penalise anyone who cycles or uses a scooter, an e-bike or an e-scooter on the pavement, to report to Parliament by Easter 2024.

Westminster Protests

5. Parliament should enact legislation reversing the effects of the Supreme Court's Ziegler judgment, which concerns the scope of lawful excuse (or reasonable excuse) in the context of protest, especially in relation to the offence of obstructing the highway.

6. The draft Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023, recently made by the Secretary of State, should be approved by the Houses of Parliament. The regulations clarify that in relation to public protest offences in the 1986 Act, “serious disruption” means disruption that is more than a minor hindrance to people’s day to day activities.
7. When policing protest the Metropolitan Police must ensure that in considering whether ‘serious disruption’ is taking place, or in any ‘balancing of rights’ exercise, they take into account the burdens, including denial of access to pavements because of obstructions, which protest may place on disabled people (and other vulnerable groups).

Crime and Anti-Social Behaviour

8. The Metropolitan Police Service should further enhance its proactive policing to deal with those who commit crime and anti-social behaviour on Westminster Bridge. Given the scale of the problems and the iconic nature of the location police activity should be stepped up with arrests, vehicle seizures and other enforcement conducted all day, every day.
9. When prosecuting individuals for offences on and near to Westminster Bridge the Metropolitan Police and Crown Prosecution Service must make the courts aware of the broader impact of these offences on the public, particularly those with disabilities, and should invite courts to impose sentences which act as an effective deterrent to others.

1. Introduction

Westminster, including Parliament Square, Whitehall and the immediate surrounding area, is the public face of the nation – the geographic heart of British democracy. Work vital to the effective operating of the State is undertaken in this small part of central London every day. Alongside those who work in the area are the many millions of visitors who seek to absorb the spectacle of the Palace of Westminster.

It has, however become a feature of the area that those who work in and visit Westminster, Whitehall and the Parliamentary Estate are apparently expected to tolerate the unlawful behaviours of others. Policy Exchange has previously examined many of these issues. In February 2023 the paper ‘Tarnished Jewel’ was published – examining the repeated failings of the police, Parliamentary Authorities, Mayor of London and central Government.¹ On a daily basis pedestrians are at risk from dangerous manoeuvres by cyclists, pavements are blocked by the new scourge of e-bikes, protestors cause intolerable noise and serious disruption. In November 2022 Policy Exchange published ‘The Just Stop Oil Protests: A legal and policing quagmire’ examining the very serious issues arising as a result of failing to deal effectively with the serious disruption caused by protestors.²

There is nothing less than a culture of impunity around Parliament and Whitehall. While all who work and visit Westminster are affected by these behaviours, the impact is perhaps most keenly felt by disabled people. As part of our research, time and again we have heard how disabled people have been seriously affected and disrupted by the

-
1. A. Gilligan (2023), Tarnished Jewel: The decline of the streets around Parliament, Policy Exchange, February 2023, [link](#)
 2. P. Stott, R. Ekins & D. Spencer (2022), The ‘Just Stop Oil’ Protests: A legal and policing quagmire, Policy Exchange, November 2022, [link](#)

behaviours of others while the Metropolitan Police, the City of Westminster Council, Mayor of London and Parliamentary Authorities look on. In any 'balancing of rights' exercise the rights of disabled people are repeatedly overlooked.

What may be a mere inconvenience for non-disabled people may be an insuperable barrier to a person with a disability. Those with mobility impairments generally take longer to cross roads and may be unable to navigate pavements filled with stalls, bicycles or crowds of people. Wheelchair users may be unable to easily move around obstructions or move into the carriageway to then return to the pavements. Visually impaired pedestrians or those with hearing loss are often unable to easily anticipate and avoid the risks posed by other road users, in particular inobservant cyclists or e-bike and e-scooter users.

Authorities must do more to consider and act on ensuring that the pedestrian environment does not restrict disabled people from being able to work in and visit this vitally important area.

This report summarises the key issues and proposes a series of recommendations which would markedly improve the situation for those who work in and visit Westminster, and particularly those with disabilities, including disabled parliamentarians.

A 'Lived Experience' Case Study: Baroness Brinton

“Westminster, Whitehall and the area around Parliament are unique in so many ways. It is a privilege to be a member of the House of Lords and to work in this place which is at the heart of our national life. With so many people working and visiting this relatively small part of London it does however present particular challenges for people who are disabled.

The pavements around Parliament are often narrow and when combined with the sheer volume of visitors, street furniture and abandoned 'dockless' e-bikes and e-scooters they can be hugely challenging to navigate for anyone but particularly for someone using a wheelchair. There are areas where this problem is particularly acute - the pavements and crossing between St Margaret's Church and the Supreme Court for example. In attempting to cross the road there I have been knocked into or nearly run over a number of times when there is no space to get on to the pavement.

Those who choose to abandon their e-bikes and e-scooters in thoughtless locations should be penalised for doing so. The impact on disabled people in Westminster and other busy parts of London cannot be underestimated: the pavements become impassable in a wheelchair.

More could be done to improve the pavement architecture in Westminster, and other public spaces. An increase in drop kerbs, and their size, would make a great deal of difference to wheelchair users.

During large-scale ceremonial events it often appears that the relevant authorities have not done what they could to consider the needs of disabled people. Aligning crossing points between lines of barriers with drop-kerbs would make a great deal of difference. In the past I have had to wait for a police officer to pass by and then to ask for their assistance to open the barriers to enable me to cross the road. As helpful as the police have always been, it shouldn't be necessary.”



The pavement outside the Supreme Court in Parliament Square, partially blocked by protestors attending 'The Big One' in April 2023

2. The Equality Act and Disability

The Equality Act 2010 defines a person as having disability if they have 'physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities'. Disability is a protected characteristic under the terms of the Equality Act 2010.

Section 19 of the Act forbids indirect discrimination, which applies, in relevant part, to a practice that would put a person with a disability at a particular disadvantage when compared with a person without that disability, when the practice cannot be shown to be a proportionate means of achieving a legitimate aim.

Section 149 of the Act creates the public sector equality duty, which requires public authorities to have due regard to the need, amongst other things, to advance equality of opportunity between persons who share a relevant protected characteristic, such as disability, and persons who do not share it.

3. Private Hire E-bikes and E-scooters

A relatively recent feature of many cities and urban centres, but particularly central London, has been the increasing prominence of e-bikes and e-scooters. Over recent years they have increased in usage and popularity. Unlike the TfL public bicycle hire scheme (often known as 'Boris Bikes' after the Mayor of London when they were first introduced in 2010) where bicycles are hired from and returned to designated docking stations, more recently rolled-out e-bike and e-scooters are designed to be hired from and then left in any location.



An e-bike partially blocking the pavement in Westminster, near to Parliament Square

E-Bikes

Legally e-bikes can be ridden by any person over the age of 14 years and must have pedals with an electric motor which should not be able to propel the bike when travelling more than 15.5mph and a maximum power output of 250 watts.³

E-bikes cannot be taken on public transport services. E-bikes in London are operated by Lime, Human Forest, Dott and Tier. Some of the TfL operated 'Boris Bikes' are also now e-bikes, although unlike the other schemes they must be docked at one of the many 'docking stations' across the capital.

E-Scooters

The London e-scooter trial is currently running until Autumn 2023.⁴ E-scooters are provided by three operators – Lime, Dott and Tier. E-scooters are available to hire in 10 London Boroughs. Riders must be 18 years old and hold a provisional driving licence. The speed is capped at 12.5mph with a reduced speed in some areas of 8mph. Lights at the front and rear of the vehicle are always on. It is vital that the findings and recommendations in this report, and of the review recommended (see recommendation 9 of this report), are acted upon before any decisions are made as to whether these trials should be extended.

Due to their design of not needing to start or end journeys at designated docking stations, the vast majority of publicly hired e-bikes and scooters are left by their users on pavements. While often programmed in a way which prevents them from being left in certain locations, such as Parliament Square or Westminster Bridge, they can be left after use on the streets nearby. Given the particularly narrow pavements on the streets near to the Parliamentary Estate this can

3. Department for Transport Website (last accessed 1st June 2023), [link](#)

4. Transport for London Website (last accessed 1st June 2023), [link](#)

lead to a situation which is not only merely irresponsible but actively dangerous for pedestrians, particularly those who are using a wheelchair or visually impaired. This is especially the case where e-bikes or scooters are not parked upright but are left lying on the ground, often across the full width of the pavements.



An e-bike partially blocking a pavement near to Parliament Square

A 'Lived Experience' Case Study: Lord Shinkwin

In recent years, I've noticed a significant increase in the difficulties caused by the escalating prevalence of e-bikes and e-scooters in Westminster, Whitehall and the area surrounding Parliament.

When the users of 'dockless' e-bikes and e-scooters end their journey they often leave their bikes or scooters on the pavement. This regularly makes the pavements around Westminster completely impassable for people with a mobility or visual impairment. As someone who uses a wheelchair, I have first-hand experience of the challenges of navigating these e-bikes, which have obviously been abandoned without any thought by their non-disabled users. It's not deliberate, of course, but at

best it's obstructive and at worst downright dangerous, for example, when they're dumped on a dropped kerb the fact is they are larger and much heavier than a normal bicycle, which makes them impossible to move from a wheelchair.

The danger comes when, unlike a non-disabled person who can simply walk around it, I suddenly find I can't get on to the pavement on the other side of the road because the wheelchair access is blocked, In such circumstances I am either reliant on the kindness of strangers to assist me or, if I'm lucky, I can find an alternative, but sometimes far longer, route to my destination. I can't help wondering why I should have to do this in 2023 as if I were a second-class citizen.

Cyclists and users of e-bikes and e-scooters increasingly use the pavements rather than the cycle paths or roads. This is so dangerous and really frightening if you have a disability, especially a mobility impairment; the speed at which e-bikes and e-scooters are able to travel combined with their size and weight mean that a collision could be fatal for me. It's not just wheelchair users who are at risk; their silence makes them equally lethal for people who are visually or hearing impaired. How are they meant to move quickly out of the way when an e-bike appears without warning? Non-disabled people may be able to leap out of the way; that's not an option for disabled people.

According to the Royal National Institute of Blind People (RNIB), some people with visual impairments feel pavements have become a no-go area such is their fear of having an accident.⁵ So they don't go out. Who would have thought we'd be in this shamefully unfair situation in the second decade of the 21st century where disabled people are effectively prevented from enjoying the fundamental right of every citizen to safety in a public place? This culture of impunity is the opposite of progress. It's a damning indictment of non-disabled politicians and the police that

5. Royal National Institute for Blind People (RNIB), Seeing Streets Differently: How changes to our streets and vehicles are affecting the lives of blind and partially sighted people, [link](#)

they should behave as if somehow everything's ok. It's unacceptable. They need to act quickly and decisively before it gets even worse."

It is time the technology available was used to encourage more considerate use, including parking, for example by informing the hirer that a fixed penalty will automatically be deducted from their payment card the next time they hire an e-bike or e-scooter should they use it irresponsibly by parking it on its side or obstructing the pavement. The National Federation of Blind People UK has stated that blind people are being put off from visiting the capital as a result of the "dangerous and awkward" parking of e-bikes on pavements.⁶ Guide Dogs research shows that 97 per cent of people with a vision impairment have encountered problems with street obstructions, stating that "the number of rental e-bikes and e-scooter schemes has increased dramatically in the last few years and will add significantly to the problem. We hear from many blind and partially sighted people who are becoming increasingly frustrated by poorly parked or abandoned rental bikes and e-scooters littering our pavements and creating unnecessary trip hazards".⁷

6. BBC News Website, 5th September 2022 (last accessed 1st June 2023), [link](#)

7. Daily Mail Website 26th February 2023 (last accessed 1st June 2023), [link](#)

“The Department for Transport must stop pandering to the e-bike and scooter thugs who ride on the pavement and dump their bikes on the pavement. Some of these big electric e-bikes are the same size and weight as motorcycle trail bikes - they are enormous. I congratulate Westminster Council on taking action and, I hope, purging our pavements of this despicable littering. I can tell the Committee that I am helping: every time I find an e-bike or scooter left on the pavement, I shove it over and use my chair to bulldoze it onto the road, where I hope it might be run over by a 30-tonne truck. I usually do about two a day, coming in or going home from this House, and I did one this morning coming here.”⁸

The Rt Hon. Lord Blencathra, House of Lords, Monday 22nd May 2023

Despite the clear risks that dangerous parking of e-bikes and e-scooters poses in the areas surrounding the Parliamentary Estate the response of Westminster City Council has been notably passive. Westminster Council acknowledged in August 2022 that e-bikes pose a “significant safety risk”.⁹ In February 2023 Westminster City Council called for “harsher penalties for abandoned dockless bikes” recognising that “this is a safety hazard, especially for those with mobility needs such as those with limited eyesight.”¹⁰ Yet on their website they state that “Any abandoned e-bikes or e-scooters should be directed to the responsible operator for action.”¹¹ In the face of this

8. Hansard, 22nd May 2023, Column 651, [link](#)

9. City of Westminster Website 9th August 2022 (last accessed 1st June 2023), [link](#)

10. City of Westminster Website 21st February 2023 (last accessed 1st June 2023), [link](#)

11. City of Westminster Website, ‘E-bikes and e-scooters: When you can use and electric bike or scooter’ (last accessed 1st June 2023), [link](#)

passivity by Westminster City Council the risk to pedestrians, and potentially grave risk to disabled people, posed by abandoned and dangerously parked e-bikes and e-scooters remains. It simply fosters a culture of impunity.

As such schemes and the number of their users grows this cannot be permitted to continue. A concerted effort must be made by the Department for Transport, Westminster City Council and the operating firms themselves to put a halt to the dangers posed, particularly the dangers posed to those who may have mobility or visual impairments, before the end of the pilot scheme. The best way of recovering the confidence of the 20% of the population who are disabled is to put them at the head of devising a better system, particularly in relation to the effectiveness and use of policing powers to penalise and thereby deter the irresponsible use of bikes, scooters, e-bikes, e-scooters and similar devices on the pavement. Instituting a review, to be led by a wheelchair user and with a majority of the review panel comprised of disabled parliamentarians with a range of disabilities, would send a very powerful message that the Government was serious about addressing an issue that has a huge impact on their daily lives. The review should report by Easter 2024.



A pavement in Westminster almost entirely blocked by a series of private bicycles and hired e-bikes

Recommendation: The Department for Transport should introduce a licensing scheme which requires public hire e-bike and e-scooter operators to comply with a fine scheme for users and an obligation to remove dangerously or irresponsibly parked bicycles immediately (or at the very most within an hour) on being reported.

Recommendation: Where users of e-bikes or e-scooters park their bikes in an irresponsible manner, for example in a way that obstructs the pavement, they should be subject to financial penalties similar in size to those imposed for unlawfully parked motor vehicles. If repeatedly fined, users should be subject to bans from using e-bikes and e-scooters. The City of Westminster should use the proceeds of fines to enable parking enforcement officers to expand their duties to include poorly parked e-bikes and e-scooters.

Recommendation: E-bike and e-scooter hire companies, as a condition of operating, should be required to pay for the full cost of installation and rental of 'e-bike bays' across the City of Westminster.

Recommendation: The Government should institute a review by a wheelchair user parliamentarian of the effectiveness and use of policing powers to penalise anyone who cycles or uses a scooter, an e-bike or an e-scooter on the pavement, to report to Parliament by Easter 2024.

4. Westminster Protests

Westminster and Parliament Square are regularly the scene of noisy and disruptive protests. The policing of protests will always be amongst the most challenging of operational policing activities. Over recent years, this has become only more so with a measurable increase in the number of confrontational protests.¹² Confrontational tactics have included activities such as ‘locking on’ (where protestors attach themselves to buildings, the transport network and other structures with glue, chains or D-locks), mass obstruction of the highway and criminal damage by highly motivated protestors.

Just Stop Oil have frequently blocked the road carriageways around Parliament Square and Whitehall by either slow marching or conducting sit down protests having glued themselves to the road. Extinction Rebellion have repeatedly occupied Parliament Square, preventing traffic from using this part of Central London.

The legal framework concerning protest has over recent years failed to satisfactorily resolve the central question of dividing lawful and criminal activity. This lack of legal clarity has led to a situation whereby the policing of protests is not only challenging, but an activity where the police have seemed destined to satisfy no-one.

Most recently over four days in April 2023 ‘The Big One’ brought together a range of protest groups seeking to make their case. Banners and posters for Extinction Rebellion, Animal Rebellion and Stop the War were just some of the many seen over the four days. At various points during the four days roads around Parliament Square were closed by police officers with road closures imposed to ensure the

12.D. Bailey, Decade of dissent: how protest is shaking the UK and why it’s likely to continue (January 2020), The Conversation, [link](#)

safety of the protest and protestors. In doing so however the rights of others appear to have been entirely negated.



Police officers enforcing road closures in Parliament Square during 'The Big One' in April 2023

The National Travel Survey 2021 found that for those with a mobility difficulty the number of pedestrian trips taken (131 per person) were around a half of those taken by those without a mobility difficulty (243 trips per person).¹³ Those with mobility difficulties are 10% more likely to travel using car, taxi or other private transportation over alternative transportation options when compared with those without mobility issues.¹⁴ Yet regularly parliamentarians and those who work on the Parliamentary Estate are advised not to use their cars to travel to

13. Department for Transport, National Travel Survey 2021, [link](#)

14. Ibid.

parliament due to protests which are taking place. Again, this appears to be an example where not only are the rights of protestors given greater weight than the rights of others, but the rights and specific needs of disabled people are not being given sufficient weight at all.

During 'The Big One' various groups set up a series of stalls and gazebos to showcase their pamphlets, stickers and posters. In doing so the pedestrian pavements on Parliament Square and Abingdon Street were either partially or entirely blocked by the stalls and crowds of people. Extinction Rebellion on their website claimed the occasion would be 'accessible and welcoming', but for many disabled people who sought to safely use the pavements in the immediate area this was far from the case. Parliamentarians and others using wheelchairs were forced to ask nearby police officers to clear a route through the crowds, so that that they could pass through the demonstration safely in order to access the Parliamentary Estate.



The pavement on Parliament Square blocked by a combination of protestors and stalls on the weekend of 'The Big One' in April 2023

A 'Lived Experience' Case Study: The Rt Hon. Lord Blencathra

“The right to peacefully protest is part of our vibrant liberal democracy. As equally important is the duty of public authorities, including the police, to ensure that those wishing to protest do not impede on the rights of others going about their daily lives and lawful business.

In recent years we have seen parliamentarians harangued, accosted, surrounded and intimidated in the area around Parliament. As a result of the actions of protestors and the police’s failure to ensure a safe route of passage for people going about their lawful business, I am one of many who have been prevented from attending hospital appointments.

The way that the Parliamentary Authorities and the police are choosing to approach protests in Westminster has an impact on everyone, but the impact on those who are disabled is particularly egregious. It would not be considered acceptable in any other location. Our liberal democratic settlement is reliant not only on the right to peacefully protest – it is also reliant on parliamentarians having an unfettered right of access to Parliament.

Where individuals and groups move from peaceful protest to breaking the law the police must act – arrests and prosecutions must follow. Those found guilty of criminal offences should be sentenced in a way which acts as a deterrent to others who may be tempted to break the law.

Currently the balance is too far skewed in favour of protestors with insufficient consideration given to the serious disruption caused to those going about their lawful business. This must not continue.”

During 'The Big One' a mobile sound stage was erected across the carriageway at the junction of Abingdon Street and Millbank. Speeches and music were loudly projected. Given the national and international significance of the work being done in the offices within and near the Parliamentary Estate it is important that this work can be done without interference. No obvious consideration seems to have been given to how much the volume of noise must have caused serious disruption to those who were attempting to work in the offices nearby. Neither was there any evidence of thoughts having been given to anyone whose disability might make them sensitive to or disorientated by such deliberately loud noise.



The mobile sound stage positioned across the carriageway on Millbank during 'The Big One' in April 2023



The back of the sound stage at 'The Big One' at the road closure at Abingdon Street and Millbank

It is often said that as part of being a liberal democracy it is necessary to exercise a constant balancing of the conflicting interests and rights between different groups. In Westminster this is a particularly challenging task. When individuals wish to protest, it is perhaps inevitable that they might wish to do so in a place where Government and Parliament enacts its business. That an act of protest is irritating or frustrating is not in and of itself a reason for it to be prevented. Balanced against this of course are the rights and interests of the thousands of individuals who visit and work in and around the Parliamentary Estate.

What has become abundantly clear through our research, however, is that in the policing of protest in Westminster there has been a consistent neglect in considering the rights of disabled people. This cannot be acceptable in a modern society.

Based on the testimony of disabled parliamentarians and those working on and visiting the Parliamentary Estate it is abundantly clear however that the protests in this area are not merely causing an

irritation or frustration to disabled people. They are also preventing individuals from being able to easily access or pass through the area at all. That protest groups actively claim to be seeking to encourage 'accessibility' while simultaneously preventing the very same is particularly regrettable.

Although recent developments through the Public Order Act 2023 are welcome there remain aspects of the legal framework which urgently require resolution. The Act authorised the Secretary of State to amend the Public Order Act 1986 by specifying what constitutes serious disruption for the purposes of police powers to set conditions on public processions and assemblies. The Secretary of State has made a statutory instrument to this effect, which defines "serious disruption" as disruption that is more than a minor hindrance to people's day to day activities.¹⁵ The statutory instrument has yet to be considered by Parliament – it must be able to become law without further delay.

While this change will improve the law, there is a risk that the statutory instrument, which is secondary rather than primary legislation, will be challenged in the courts. The wider problem with the Public Order Act 2023 is that the new offences it introduces are all subject to a defence of reasonable excuse, which means that it continues to be open to those who are charged (or even just arrested) to argue that their conviction would be (or their arrest was) a disproportionate interference in their right to protest. This makes it very difficult for police to know when they may lawfully act and tends to politicise trials and reduce the prospects of conviction for unreasonable, disruptive protest. This state of affairs follows from the Supreme Court's *R v Ziegler* judgment in 2021, which concerned the offence of obstructing the highway. Recent legislation has failed to reverse *Ziegler* and to fully restore the offence of obstructing the

15.The Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023, [link](#)

highway. The acquittal in March 2023 of ‘Insulate Britain’ protestors who glued themselves to the M25 confirms the problem. As set out in Policy Exchange’s previous publication, *The Just Stop Oil protests: A legal and policing quagmire*, the law of public protest will not be made fully workable again until the *Ziegler* case is reversed.¹⁶

In relation to the legal position concerning disabled people specifically it would appear at least arguable that the police are indirectly discriminating against them by making operational decisions which ignore the impact of protests on disabled people and doing so without reasonable justification given their choice to implicitly prioritising the right to protest over free movement and easy access to the Parliamentary Estate for everyone who works on it.

In deciding how to deal with protests it is critically important that the police, in considering whether a protest is ‘seriously disruptive’, evaluate what the impact would be on disabled people (and indeed other potentially vulnerable persons, such as children, the elderly or pregnant women), They must not merely assume that every member of the public should be able to cope with the disruption caused by blocked roads, impassable pavements and crowds of people choosing to protest in the relatively small area close to the Parliamentary Estate in Westminster.

Recommendation: Parliament should enact legislation reversing the effects of the Supreme Court’s *Ziegler* judgment, which concerns the scope of lawful excuse (or reasonable excuse) in the context of protest, especially in relation to the offence of obstructing the highway.

Recommendation: The draft Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023, recently made by the Secretary of State, should be approved by the Houses of

16.P. Stott, R. Ekins & D. Spencer (2022), *The ‘Just Stop Oil’ Protests: A legal and policing quagmire*, Policy Exchange, November 2022, [link](#)

Parliament. The regulations clarify that in relation to public protest offences in the 1986 Act, “serious disruption” means disruption that is more than a minor hindrance to people’s day to day activities.

Recommendation: When policing protest the Metropolitan Police must ensure that in considering whether ‘serious disruption’ is taking place, or in any ‘balancing of rights’ exercise, they take into account the burdens, including denial of access to pavements because of obstructions, which protest may place on disabled people (and other vulnerable groups).

5. Crime & Anti-Social Behaviour

Once an emblem of London's rich history, Westminster Bridge now faces a growing challenge to its reputation. As documented in Policy Exchange's previous publication, *Tarnished Jewel: The decline of streets around Parliament*, this once iconic landmark has in recent years become a focal point for low-level crime and anti-social behaviour, undermining the sense of security and well-being for both residents and visitors.¹⁷

The Bridge is the scene of criminal and anti-social behaviour with perpetrators often acting with apparent impunity. It is regularly the scene of crimes such as pickpocketing, aggressive begging, and illegal street gambling. The presence of street performers and the crowds they attract create opportunities for criminals to carry out their activities with little hindrance. They similarly block the pavement leading to pedestrians who then spill into the cycle path causing a considerable danger to both cyclists and pedestrians alike.

Illegally parked ice cream vans are regularly parked on the southern side of the bridge, contravening the clearly marked red routes. Customers often queue across the marked cycle route causing considerable risks of a collision between pedestrians and passing cyclists. The impact on people who use a wheelchair, are in some other way mobility impaired or visually impaired is considerable. It may well not be easily possible in such circumstances to easily navigate these obstacles without the risk of falling into the cycle path or the road.

17. A. Gilligan (2023), *Tarnished Jewel: The decline of the streets around Parliament*, Policy Exchange, February 2023, [link](#)



An ice cream van parked on double red lines on the south side of Westminster Bridge with customers queuing and blocking the cycle lane¹⁸



An aerial image showing four illegally parked ice cream vans operating on Westminster Bridge¹⁹

To combat these issues, the Metropolitan Police's local Safer Neighbourhood Team have increased patrols on and around the

18. Twitter @MyNamelsDelme (May 2023)

19. Twitter @LondonYon (April 2023)

Bridge in an effort to combat the ongoing anti-social behaviour and often incorrectly named 'low-level' criminality. This has included an increase in police presence on the bridge, particularly during peak hours to act as a deterrent to those intent on committing criminal activity. The police regularly post on Twitter concerning their record of arrests, seizure of pedicab rickshaws and ice cream vans and the issuing of Community Protection Notices. The officers and the Metropolitan Police more widely should be commended for this visible proactivity. They must ensure that they continue this work.



Officers arresting a suspect near to Westminster Bridge for 'Providing the facilities to gamble'²⁰

Despite these efforts however, crime and anti-social behaviour on Westminster Bridge continues to thrive. If the problems are to be solved the punishment for those committing acts of criminality and

20. Twitter @MPSLambethNorth (May 2023)

anti-social behaviour must be more than merely fines which constitute the 'cost of doing business'. The courts must use the full extent of their powers to act as a deterrent to those who are insistent on blighting this iconic part of our capital city.

Recommendation: The Metropolitan Police Service should continue its proactive policing to deal with those who commit crime and anti-social behaviour on Westminster Bridge. Given the scale of the problems and the iconic nature of the location police activity should be stepped up with arrests, vehicle seizures and other enforcement conducted all day, every day.

Recommendation: When prosecuting individuals for offences on and near to Westminster Bridge the Metropolitan Police and Crown Prosecution Service must make the courts aware of the broader impact of these offences on the public, particularly those with disabilities, and should invite courts to impose sentences which act as an effective deterrent to others.

6. Conclusion

The culture of impunity which exists in the area around Parliament, Whitehall and Westminster has led to an intolerable and dangerous situation for disabled people which cannot be permitted to continue. While the impact of protests, crime, anti-social behaviour and dangerously abandoned e-bikes and e-scooters is an infringement on all those who work, live and visit in this small part of central London it is a very serious impediment to people with a disability. In the 'balancing of rights' that we are told must take place, their rights are consistently undervalued – if they are considered at all.

That the police, Parliamentary Authorities and local government so egregiously ignore the impact on disabled people of these issues would never be permitted in another locality. It cannot be permitted to continue.