

UK: Manchester City Council bans homeless protesters from city centre

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Faced with an ongoing protest by homeless people camped out in the centre of Manchester, the city council have been granted an injunction banning them from setting up any form of temporary accommodation (tents) *anywhere* in the centre of the city.

The protesters have been camped out in a number of locations in the centre of Manchester, in northwest England, since April of this year. They are attempting to raise awareness about the plight of homeless people and the lack of accommodation and services available to them, and are demanding an end to cuts in social provision.

The injunction outlines a list of the types of shelter that homeless people are now allowed to use if they are out on the streets. The list includes sleeping bags, cardboard boxes, blankets, benches, doorways and bus shelters.

Ben Taylor, acting solicitor on behalf of homeless camp protesters, said drawing up a list was an “inhumane and barbaric task”.

The ban specifically targets those people who are setting up tents or other forms of movable accommodation in the city centre, and whose intention is to protest against the council’s homelessness policy. Those who breach it could face up to two years in jail.

The ruling is a major attack on the right to protest.

Judge Mathareu granted Manchester City Council an injunction *contra mundum* (an injunction binding on the whole world). Previously, such injunctions have rarely been granted in Britain and the injunction *contra mundum* in this case means that *anybody* who has erected a tent in the city centre is in breach of the injunction order.

The injunction was granted on July 30, following an announcement that legal aid would not be granted to the protesters, as the case did not satisfy the merits test

to qualify.

The denial of legal aid to defendants for their case in court is a consequence of the Legal Aid Sentencing and Punishing of Offenders Act (LAPSO), which came in to force on April 1, 2013. This draconian act has led to the denial of legal aid for many people.

Those without money are forced into abandoning legal action or trying to represent themselves in court as a “litigant in person”. Many of those in court as a “litigant in person” are without legal training and often do not understand the law and the complexities of the legal system.

Defendants who are denied legal aid can apply for Exceptional Case Funding, and in the case of two homeless protesters in Manchester this was turned down. This led to them not being represented by a barrister in court. Instead, Ben Taylor represented them unpaid. Manchester City Council had a barrister representing their case.

Speaking after the case, Taylor said, “The government’s decision to restrict legal aid means that the most vulnerable people in society are deprived the opportunity to challenge the court’s decision. The Legal Aid Agency and the Ministry of Justice should be ashamed of themselves.”

Taylor said he hoped to appeal this decision via a judicial review, which will need legal aid funding or money provided by crowd-funding.

Carita Thomas, a legal aid lawyer and a member of the Justice Alliance, an organisation that campaigns against cuts to legal aid, spoke in a personal capacity about the denial of legal aid. “On 15 July the exceptional funding regime for legal aid was found to be unlawful by the High Court”, she said. “Mr. Justice Collins stated the application procedure is ‘far too complex’ for people trying it themselves and the Merits

Test to get funding is ‘wholly unsatisfactory’...How can justice be done or seen to be done if only the council has the chance to properly prepare?”

She added, “Homeless camp residents should have funding for a lawyer so they are on a equal footing with the council’s lawyers in this complex case, especially as it raises public interest points that deserve a fair hearing from both sides.”

Rheta Moran of the human rights organisation RAPAR said the denial of legal aid would have “grave” repercussions for anyone outside the scope of the LAPSO Act.

“At this moment in time legal aid is being denied to representatives of the most intensely vulnerable members of the city’s population,” said Moran, adding, “The situation is extremely grave for access to justice for anyone and on every front now”.

Manchester City Council has placed no financial restrictions on their ability to prosecute this case in the courts. To date the council have spent in excess of £100,000 in legal, policing and security costs.

Speaking to the local *Salford Star*, Taylor said that the money spent on the case by the council “could have been properly spent providing accommodation for the homeless. If they had the situation would perhaps not be as dire as it is now.”

The refusal to provide the protesters with legal aid funding is part of the overall attacks on access to justice. Cuts to legal aid funding have led to an enormous decrease in cases being taken forward nationally. Between the periods 2012-13 to 2013-14, debt cases fell from 81,792 to 2,423 and clinical negligence cases from 2,859 to 114; employment law cases fell from 16,154 to just six in the same period, whilst funding in family law cases has fallen by 60 percent.

In the last 10 years, Manchester has seen a growth in building developments, both residential and commercial, across the city, yet amidst this building bonanza, as in other cities and towns nationwide, there is a crisis in housing provision. The myth promoted by the city council and government, that Manchester is a thriving city for all as part of the so-called “Northern Powerhouse”, is a fraud.

This case raises two fundamental questions concerning civil liberties. The city centre protesters are defending their right to protest and their right to be

funded in court proceedings to defend their right to protest. In both cases, they have been denied their rights.

The denial of civil liberties and democratic rights is intrinsically tied up with the imposition of ever-deeper levels of austerity against millions of people. The response of Manchester City Council, using laws hardly ever resorted to in the past, is further evidence that the ruling elite and their political representatives are rapidly dispensing with the basic tenets of democratic rule.



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