



Neutral Citation Number: [2026] EWHC 2427 (Admin)

Case No: AC-2025-LON-003006

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 22/09/2026

Before:

THE HONOURABLE MR JUSTICE SWEETING

Between:

The King (on the application of Janet SIMON)

Claimant

- and -

The Commissioner of The Police Metropolis

Defendant

**Alex Goodman KC and Jeremy Ogilvie-Harris (instructed by Greater Manchester Law
Centre) for the Claimant**
George Thomas KC and Cecily White (instructed by MPS Legal Services) for the Defendant

Hearing dates: 20th August 2026

Approved Judgment

This judgment was handed down remotely at 11.30am on 22.09.2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MR JUSTICE SWEETING

MR JUSTICE SWEETING:

Background

1. This is a renewed application for permission to apply for judicial review. The claim arises out of a series of policing decisions relating to regular Friday evening demonstrations organised by the International Jewish Anti-Zionist Network UK (“IJAN-UK”) in the Swiss Cottage area of North London. The Claimant, Ms Janet Simon, is a Jewish resident of Camden and a regular participant in those demonstrations. The protests began in October 2023 and were directed at issues concerning Israel, Zionism and the treatment of Palestinians. Initially they took place close to the Israeli Ambassador’s residence before being relocated following the imposition of restrictions under statutory powers. Thereafter they continued at various locations within the Swiss Cottage area. Counter-protests organised by Stop the Hate UK also developed and, over time, the interaction between the two groups generated increasing public order concerns, complaints from local residents and businesses, and repeated police intervention.
2. Following a number of incidents, the Metropolitan Police imposed conditions under Section 14 of the Public Order Act 1986 on 7 May 2025 preventing IJAN-UK from holding its assembly within the Swiss Cottage area. Similar conditions were subsequently reimposed on later occasions. The present claim challenges the lawfulness of the decision made on 7 May 2025.
3. The Claimant contends that the restrictions effectively prevent IJAN-UK from protesting in the location which gives the protest its particular significance, namely an area containing a substantial Jewish community with whom the protesters seek to engage. The Defendant’s position is that the restrictions were imposed in response to prolonged disruption affecting the local community and following a careful assessment of public order risks and competing Convention rights.

Chronology

4. The Key Dates are as follows:

27 October 2023

- i) IJAN-UK began its weekly Friday evening protests in Swiss Cottage. The protests were originally held outside the Israeli Ambassador’s residence on Avenue Road and were timed to coincide with Shabbat.

1 March 2024

- ii) Directions were issued under Section 42 of the Criminal Justice and Police Act 2001 preventing protest immediately outside the Ambassador’s residence. The protest was subsequently relocated to the vicinity of Swiss Cottage Library.

May 2024 onwards

- iii) Counter-protesters associated with Stop the Hate UK began regularly attending. The evidence records a developing pattern of confrontation, police intervention, complaints and arrests over the course of 2024.

1 October 2024

- iv) The first Section 14 Public Order Act 1986 conditions were imposed. These conditions were not challenged. As a result, IJAN-UK moved its protest to the area of Swiss Cottage Underground Station and Hampstead Theatre from 11 October 2024 onwards.

21 February 2025

- v) Following an escalation in tensions between protesters and counter-protesters, Section 14 conditions were imposed on both groups. The conditions required the intended IJAN-UK protests on 28 February 2025 and 7 March 2025 to take place away from Swiss Cottage. These conditions were not challenged.

28 February to 25 April 2025

- vi) During this period IJAN-UK held protests outside New Scotland Yard rather than in Swiss Cottage.

2 May 2025

- vii) The protests returned to the Swiss Cottage area. Further Section 14 conditions were imposed on both protesters and counter-protesters following renewed disruption. These conditions were not challenged.

7 May 2025

- viii) DAC Adelekan imposed the Section 14 condition which forms the subject of the present proceedings. The condition prevented IJAN-UK from protesting within the specified Swiss Cottage area. The decision included an express assessment of proportionality and the impact upon the rights protected under Articles 9, 10 and 11 of the European Convention of Human Rights.

9 May 2025

- ix) The first protest affected by the 7 May 2025 condition was due to take place.

22 May 2025

- x) Commander Puddefoot reimposed Section 14 conditions in anticipation of further demonstrations on 23 May 2025, relying on DAC Adelekan's earlier assessment together with updated community impact and threat assessments.

May 2025 onwards

- xi) Conditions continued to be imposed on subsequent occasions. The Claimant's challenge is directed principally at the original decision of 7 May 2025, although it is common ground that later decisions were taken separately and were not simply automatic renewals.

22 August 2025

xii) The claim for judicial review was filed.

29 June 2026

xiii) Permission was refused on the papers by DHCJ Alan Bates.

20 August 2026

xiv) The renewed oral application for permission came before the court (the draft judgment was subsequently circulated to the parties on 28 August 2026).

5. The critical operational history is therefore that restrictions were not imposed for the first time in May 2025. By the time of the impugned decision on 7 May 2025, the police had already imposed Section 14 conditions on several occasions over a period of months, had required the protest to relocate on previous occasions, and had attempted to manage a recurring pattern of protest and counter-protest activity within the Swiss Cottage area.

Statutory Framework

6. Section 14(1) of the Public Order Act 1986 confers power on a senior police officer to impose conditions on a public assembly where the officer reasonably believes that the assembly may result in:
- i) Serious public disorder;
 - ii) Serious damage to property;
 - iii) Serious disruption to the life of the community;
 - iv) Serious disruption or a significant relevant impact from noise; or
 - v) Intimidation of others with a view to compelling them not to do an act they have a right to do or to do an act they have a right not to do.
7. Where the statutory threshold is met, such conditions may be imposed as appear necessary to prevent the disorder, damage, disruption, impact or intimidation, including as to:
- i) The place at which the assembly may be held;
 - ii) Its maximum duration; and
 - iii) The maximum number of persons who may participate.
8. The exercise of the Section 14 power must be read and applied consistently with Section 6 of the Human Rights Act 1998, which makes it unlawful for a public authority to act incompatibly with Convention rights. In the present case the principal rights engaged are:
- i) Article 9 ECHR (freedom of thought, conscience and religion);
 - ii) Article 10 ECHR (freedom of expression); and

- iii) Article 11 ECHR (freedom of peaceful assembly and association).
- 9. Those rights are qualified rights. Interference is permissible where prescribed by law and necessary in a democratic society for one or more legitimate aims, including the prevention of disorder and crime and the protection of the rights and freedoms of others.
- 10. The Claimant also relies upon Article 14 ECHR, which prohibits discrimination in the enjoyment of Convention rights.
- 11. In addition, the Claimant advances a challenge under Section 149 of the Equality Act 2010. That provision imposes the Public Sector Equality Duty and requires public authorities, in exercising their functions, to have due regard to the need to:
 - i) Eliminate discrimination, harassment and victimisation;
 - ii) Advance equality of opportunity between persons who share a protected characteristic and those who do not; and
 - iii) Foster good relations between such groups.
- 12. The core question in the present case is therefore whether the police, in imposing the Section 14 conditions, acted within the scope of their statutory powers and struck a lawful and proportionate balance between the Claimant's Convention rights and the prevention of serious disruption to the life of the community and the rights of others.

Issues

- 13. The renewed application raises three principal issues:
 - i) **Whether the Section 14 conditions were an unlawful and disproportionate interference with the Claimant's rights under Articles 9, 10 and 11 ECHR.** This includes questions concerning the extent to which the police were entitled to rely on disruption associated with counter-protesters and whether less intrusive measures could have been adopted.
 - ii) **Whether the decision involved unlawful discrimination contrary to Articles 9, 11 and 14 ECHR.** The Claimant contends that IJAN-UK was treated less favourably than counter-protesters and that insufficient regard was paid to the position of anti-Zionist Jews within the wider Jewish community.
 - iii) **Whether the Defendant failed properly to comply with the Public Sector Equality Duty under Section 149 Equality Act 2010.** The Claimant argues that the police failed adequately to consider the protected beliefs and characteristics engaged by the protest and the impact of the conduct of counter-protesters. The Defendant contends that these matters were considered as part of the decision-making process and proportionality assessment.

The Claimant's Arguments

- 14. On behalf of the Claimant, Mr Goodman KC submitted that this case concerns political and religious expression at the highest level of Convention protection. He argued that the protest is centrally concerned with questions of Jewish identity, the relationship

between Judaism and the State of Israel, and the expression of anti-Zionist beliefs by Jewish protesters. The location of the protest was therefore said to be integral to its message, because the intended audience included members of the local Jewish community in Swiss Cottage.

15. Mr Goodman submitted that the police had failed to give sufficient weight to this aspect of the protest when assessing proportionality. He argued that the geographical scope of the exclusion zone was excessive and that the police had not properly considered less intrusive alternatives. In particular, he suggested that consideration should have been given to further relocation within the Swiss Cottage area, stricter time limits, noise restrictions, designated protest areas, or more effective measures separating protesters from counter-protesters.
16. A central feature of the Claimant's case was that much of the disruption relied upon by the police was in fact caused by counter-protesters rather than IJAN-UK itself. It was submitted that the police had failed adequately to discharge their positive obligations to facilitate peaceful protest and that, having failed to control the conduct of counter-protesters, they could not lawfully rely upon the resulting disruption as justification for imposing restrictions on IJAN-UK. The Claimant pointed to occasions when, she argued, contemporaneous records showed disruptive conduct by counter-protesters and failures in policing arrangements.
17. In oral submissions, Mr Goodman also disputed the Defendant's reliance upon a lack of engagement by organisers. He submitted that there was a genuine factual dispute on that issue and that the Claimant had sought engagement with the police on a number of occasions.

The Defendant's Arguments

18. On behalf of the Defendant, Mr Thomas KC submitted that the challenge was, in substance, an attempt to litigate operational policing judgments which had been reached by experienced senior officers responsible for managing a difficult and evolving public order situation. He emphasised that this was not a prohibition on protest as such. The Claimant and IJAN-UK remained free to protest, including on a continuing weekly basis, but not within the specified area of Swiss Cottage.
19. Mr Thomas argued that the principal concern was not merely the conduct of counter-protesters but the cumulative impact on the local community of recurring protests and counter-protests over an extended period. The police were entitled to take account of the effect of those events on residents, local organisations, businesses and community life. Even if counter-protesters contributed to particular incidents, that did not make it unlawful for the police to consider the overall disruption arising from the repeated events.
20. He further submitted that the proportionality assessment had been expressly undertaken by the decision makers and that the Claimant's Convention rights were considered throughout. The restrictions imposed represented a legitimate attempt to balance those rights against the rights of others, including those members of the Jewish community who do not share IJAN's views and beliefs, and the need to prevent serious disruption to community life.

21. Mr Thomas submitted that the challenged decision was not a marginal one. Section 14 conditions had been imposed on a number of occasions over many months and followed a substantial history of disruption and complaints. He also relied on the organisers' lack of engagement with the police when alternative arrangements were being explored, submitting that the authorities recognised such matters as relevant considerations in assessing proportionality and public order management.
22. Finally, he submitted that there was no basis for suggesting that later decisions involved any form of automatic renewal or "rubber stamping". Each decision reflected a continuing assessment of circumstances on the ground by the responsible officers.

The Central Question

23. The real issue, as it emerged from the parties' submissions, is whether it is realistically arguable that the restrictions imposed on protest within the Swiss Cottage area were a disproportionate response to the disruption identified by the police, having regard both to the Claimant's rights under Articles 9, 10 and 11 ECHR and to the rights and interests of the wider local community.

Relevant Legal Principles

24. The court's task at this stage is not to determine finally whether the Claimant's rights have been infringed but whether the proposed grounds of challenge disclose an arguable case with a realistic prospect of success. Permission should be refused where, even taking the Claimant's case at its highest, the challenge amounts to no more than disagreement with a lawful decision-maker's evaluative judgment.
25. The decision under challenge was made pursuant to Section 14 of the Public Order Act 1986. The statutory power may only be exercised where a senior police officer reasonably believes that the assembly may result in, amongst other matters, serious disruption to the life of the community. The threshold of "serious" disruption is intended to be a relatively high one, reflecting the need to strike a balance between freedom of expression and assembly on the one hand and the orderly conduct of society on the other.
26. The Claimant's case engages rights protected by Articles 9, 10 and 11 ECHR. It is well established that political expression and peaceful protest attract a high level of protection. Equally, however, those rights are qualified rather than absolute rights. Interference with them may be justified where prescribed by law, directed to a legitimate aim, and proportionate. The court must therefore assess whether a fair balance has been struck between the rights of those wishing to protest and the rights and interests of others affected by the protest.
27. The parties were agreed that the applicable test for proportionality is that identified by the Supreme Court at [118] in *Shvidler v Secretary of State for Foreign & Commonwealth & Development Affairs* [2025] UKSC 30, namely:
 - i) Is the objective sufficiently important to justify limiting a fundamental right?
 - ii) Is the measure rationally connected to that objective?

- iii) Could a less intrusive measure have been used without unacceptably compromising the objective?
 - iv) Has a fair balance been struck between the rights of the individual and the interests of the community?
28. Those questions must be addressed in a fact-sensitive manner having regard to the particular circumstances of the case.
29. The Claimant places particular reliance upon authorities concerning situations in which restrictions are imposed because of the threat posed by counter-protesters. I accept that where peaceful protesters are restricted because of the conduct of others, careful scrutiny is required. The police are under positive obligations to take reasonable steps to facilitate peaceful protest. However, it does not follow that disruption caused by counter-protesters becomes irrelevant to the assessment. The authorities recognise that public order commanders may take account of the realities confronting them on the ground, including the interaction between opposing groups and the consequences for the wider community.
30. Finally, the court must bear in mind the nature of the decision under challenge. The assessment of public order risks, the allocation of policing resources and the management of rival demonstrations are paradigmatic examples of operational policing judgments. Whilst such decisions remain subject to judicial scrutiny, weight must be afforded to the assessment of experienced officers possessing particular expertise and responsibility in that field. Judicial review is concerned with the legality of the decision and not with substituting the court's own view for that of the decision maker merely because a different conclusion might have been reached.

Decision

31. Having considered the renewed grounds, the documentary material, and the helpful oral submissions of counsel, I am not persuaded that the claim discloses an arguable ground for judicial review with a realistic prospect of success.

Ground 1: Articles 9, 10 and 11 ECHR

32. I do not consider that Ground 1 is arguable.
33. I accept that the Claimant's rights under Articles 9, 10 and 11 ECHR are engaged and that the protest concerns matters of political, religious and social importance. I also accept Mr Goodman's submission that the location of the protest forms part of its message, the objective being to engage directly with the local Jewish community in Swiss Cottage and to express views concerning the relationship between Judaism, Zionism and the State of Israel. Those are considerations to which the decision maker was required to give substantial weight.
34. However, the evidence before the decision makers demonstrates that those considerations were expressly recognised and taken into account. The challenged decision was reached only after a prolonged period of public order management involving repeated protests and counter-protests, complaints from local residents and organisations, previous relocations of the protest and earlier Section 14 conditions. The

police were entitled to assess the cumulative impact of those activities upon the local community and were not confined to considering individual incidents in isolation.

35. I accept that there is a dispute between the parties as to the extent to which particular incidents of disruption were attributable to counter-protesters. Even assuming that counter-protesters were responsible for some or much of the disruption relied upon by the police, that does not render the decision arguably unlawful. The question facing the decision makers was how to manage the practical reality confronting them, namely recurring protests and counter-protests which generated disruption and required substantial policing intervention. The authorities do not require the police to ignore that reality merely because responsibility for particular incidents may be disputed.
36. Nor am I persuaded that it is realistically arguable that the police failed to consider less restrictive alternatives. The history demonstrates that alternative locations had been used previously, that restrictions had evolved over time, and that the decision makers considered the position over a lengthy period. The Claimant's submissions identify measures which might conceivably have been adopted. They do not demonstrate an arguable public law error in the conclusion that the conditions imposed were necessary and proportionate.
37. Ultimately, Ground 1 amounts to a challenge to the merits of an operational policing judgment rather than the legality of the decision. I do not consider that it has a realistic prospect of success.

Ground 2: Articles 9, 11 and 14 ECHR

38. I do not consider that Ground 2 is arguable.
39. The essential complaint is that IJAN-UK was treated differently from the counter-protesters and that the decision-making process failed properly to recognise the position of anti-Zionist Jews within the wider Jewish community. However, the material before me does not disclose any arguable basis for concluding that the police failed to recognise the Claimant's protected beliefs or failed to afford protection to the exercise of those beliefs. On the contrary, the decision documents proceeded on the basis that the Claimant and other participants were exercising rights protected by Articles 9, 10 and 11 ECHR and that those rights were entitled to respect.
40. Further, as Mr Thomas submitted, there is an obvious distinction between the position of the protesters and that of counter-protesters. The location and form of any counter-protest necessarily depended upon the location of the underlying protest. The fact that different conditions were imposed, or that different operational considerations arose, does not of itself establish unequal treatment or discrimination.
41. This ground ultimately depends upon the same factual and proportionality arguments that underpin Ground 1. For substantially the same reasons, I do not consider that it gives rise to an arguable claim with a realistic prospect of success.

Ground 3: Public Sector Equality Duty

42. I do not consider that Ground 3 is arguable.

43. It is common ground that the Defendant did not produce a stand-alone public sector equality duty assessment. However, the absence of a separate document does not establish a breach of Section 149 of the Equality Act 2010. The question is whether the substance of the duty was discharged.
44. The materials before the decision makers demonstrate awareness of the Claimant's and others' Jewish identity, their anti-Zionist beliefs and the significance attached by participants to the protest. The proportionality analysis necessarily required consideration of those matters and of the impact which restrictions would have upon the exercise of the Claimant's beliefs and protected rights. The Defendant's position, which is not realistically arguable to be irrational, is that the considerations relevant to the Section 149 duty substantially overlapped with those relevant to the Section 14 and Convention rights assessment.
45. The Claimant's submissions again amount principally to a disagreement with the balance struck by the decision makers rather than the identification of a failure to have due regard to relevant equality considerations. On the material presently available, I do not consider that Ground 3 discloses an arguable breach of Section 149 with a realistic prospect of success.

Conclusion

46. Drawing the threads together, I am satisfied that none of the three grounds discloses an arguable public law error. The claim seeks, in substance, to challenge the evaluative and operational judgments of experienced public order commanders faced with the difficult task of balancing competing Convention rights in a sensitive and contentious environment. The decisions reached were plainly open to them on the material available. The proposed grounds do not disclose a realistic prospect that a court would conclude otherwise.
47. This case concerns a difficult operational judgment made in circumstances where strongly polarised groups were repeatedly exercising competing Convention rights in a way that had significant effects on the surrounding community. The claim does not identify an arguable legal defect in the balancing exercise undertaken by the decision-makers. What is advanced is, in substance, a disagreement with the conclusion reached. That is not enough to justify a substantive judicial review hearing.
48. Accordingly, permission is refused.

END