

Public Processions – Procedures

City of Edinburgh Council

26 June 2003

1 Purpose of report

- 1.1 To report on the terms of a motion by Councillor Gilchrist on procedures relating to public processions.

2 Background

- 2.1 In January 2003, the Executive of the Council considered a report by the Director of City Development on a motion by Councillor Lowrie in the following terms: "Noting that there has been a growth in the number of processions along Princes Street and in the City Centre putting severe pressure on Police and Transportation resources, to ask the Executive to: (a) consider limiting the number of such processions; and (b) suggest alternative routes, which would limit disruption to traffic and commercial business". The report is attached at Appendix 1. At that time, the Executive continued consideration of the matter for a further more detailed report by the Director of City Development, the report to include reference to other events which take place in the City as well as processions and consultation procedures.
- 2.2 The Director of City Development reported to the Executive of the Council on 11 March 2003 and his report is attached at Appendix 2. The Executive agreed to note the Director's report which was called-in to the Development of the City Scrutiny Panel. The Scrutiny Panel agreed (1) to note that the Chief Constable will be reporting to a future meeting of the Lothian and Borders Police Board on events and processions held in the city, particularly new events, emphasising the importance of co-ordination between all parties, and as a Scrutiny Panel, to record their support for the approach taken by the Chief Constable; and (2) to note that a report by the Director of City Development on the management of events and processions in Edinburgh and other cities was currently being prepared for submission to the Executive of the Council.
- 2.3 In April 2003 the Council unanimously approved the following notice of motion submitted by Councillor Gilchrist:

"That the Council agrees to review its procedures in connection with the approval of public marches in the light of much public criticism of the timing of the recent anti-war demonstrations, which have caused considerable disruption to the public and businesses alike".

3 Council's Powers

- 3.1 The Council's powers in dealing with public processions are covered by the Civic Government (Scotland) Act 1982 and are subject to very strict legal limitation. In law there is the presumption of the constitutional right of people to hold processions in support of their beliefs. In a strict sense, the Council does not even give permission for a procession. In terms of Section 62 of the 1982 Act, the organisers of a public procession must give notice to the Council and the Police. The procession can take place as notified unless the Council, after consultation with the Chief Constable, makes an Order which either (a) prohibits the holding of the procession, (b) imposes conditions as to the date, time, duration and the route of the procession, or (c) prohibits entry into any specified public place.
- 3.2 The making of an Order outlined in paragraph 3.1 can be subject to appeal to the Sheriff. It is considered extremely unlikely that the Council could successfully defend any Order prohibiting a public procession solely on the grounds of disruption.
- 3.3 The former Lothian Regional Council previously sought legal Opinion from Queen's Counsel, which stated that the factor of serious disruption might justify a condition altering the route of a public procession but even this type of Order would require substantial justification and could be liable to appeal.
- 3.4 The thrust of Section 62 of the 1982 Act is that a person who proposes to hold a procession is required to give written notice of the proposal both to the Council and to the Chief Constable. The notice is required to be given not later than seven days before the date of the proposed procession. This notice ought to specify the proposed date, time and route of the procession, the number of persons likely to take part in the procession, the arrangements which are being made for the control of the procession and the name and address of the person who is proposing to hold the procession.
- 3.5 In terms of Section 65 of the 1982 Act, a person who holds a procession in public where notification has not been given to the Council and the Chief Constable commits an offence.
- 3.6 The Council has power to make two types of Order in respect of a procession. The first type of Order prohibits the holding of a procession. There is the right of appeal to the Sheriff against any Order made by the Council, in consultation with the Chief Constable. Case law indicates that the only basis on which one can reasonably be confident that a prohibition Order will withstand appeal is the apprehension of serious public disorder. This was the case prior to the introduction of the European Convention on Human Rights into domestic law in 1998. A prohibition Order is now exposed to appeal on the further basis that it involves contravention of the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention.
- 3.7 In addition, the Council can make an Order which attaches conditions to the holding of a procession. These conditions can apply to the date and time of the procession, the route which the procession is to follow or may prohibit the entry of the procession into any specified public place. This type of Order offers more scope to alter, for example, the proposed time of a procession or its route, in an effort to mitigate the disruption which is inevitably caused by a procession of any size. Such an Order has to be justified in terms of the statement of reasons which have to be prepared in connection with the making of an Order. In any such appeal to the Sheriff the central issue would be the striking of what the Court would see as the balance between the exercise of the right to hold a

public procession and the effect on other citizens resulting from the holding of that procession.

- 3.8 In law static events such as gala days, static political demonstrations, etc do not require to be notified to the Council. However, procedurally it is useful to the Police and the Department of City Development to be aware of such events as they do entail the putting up of barriers, road closures, police presence etc, just as processions do.

4 Procedures

- 4.1 In terms of the Council's Scheme of Delegation to Officers, applications relating to public processions notified to the Council under Section 62 of the Civic Government (Scotland) Act 1982 are dealt with at officer level unless the particular proposed procession is considered to be "controversial". The term "controversial" covers all controversial marches and not just sectarian processions. In such cases the matter is submitted to the Council's Regulatory Committee which is responsible for exercising the powers to make Orders under the 1982 Act.
- 4.2 The Edinburgh A-Z of Council Services lists an appropriate contact point and advises that the Council and the police should be informed of proposals to hold a public march or parade. On receipt of a written request to hold a march the Council Secretary acknowledges the request and seeks comments from the Chief Constable and the Director of City Development. Following receipt of comments, the Council Secretary writes to the organisers confirming the arrangements.
- 4.3 Normally the Director of City Development receives sufficient advanced notice to allow him to give the public reasonable notice of events and the restrictions which are required. Letters outlining the traffic and parking restrictions are sent to all affected parties. This gives residents and businesses the opportunity to contact the Council if there are particular problems.
- 4.4 It is recognised that the removal of parking bays is a significant problem for many residents and, therefore, those residents with parking permits are normally granted a dispensation to park in either a residents' bay or a pay and display bay immediately outside the restricted area free of charge. Contact is also made with churches when the event is on a Sunday to ensure people gain access to church services.
- 4.5 As the status of the City grows as both the capital of Scotland and home of the Scottish Parliament, there will inevitably be an increase in the number of marches. Most organisers prefer the route to be focussed on Princes Street. It is the Centre of the City with the backdrop of the castle and Princes Street can safely accommodate a large number of spectators.
- 4.6 Historically, the recognised route for parades was from Waterloo Place along Princes Street to King's Stables Road. Waterloo Place is no longer available due to the bus stance which is now in place. Accordingly, the current route is from East Market Street.

5 The Anti-War Marches

- 5.1 The Chief Constable has confirmed that anti-war marches were held in Edinburgh on 6, 19, 22 and 29 March 2003. Organisers of the event held on Saturday, 29 March 2003 gave appropriate notice to the Council and the Police have indicated that whilst there was disruption to the normal activities in the City Centre the march was well organised and stewarded by the organisers. In relation to the other marches held, the Chief Constable has confirmed that intelligence gathering provided the Police with sufficient time to deploy officers to each locus before they commenced. The organisers of the marches which took place on 6, 19 and 22 March 2003 did not notify the Council of their intention to hold a march. The particular marches referred to by Councillor Gilchrist did generate considerable press coverage. The coverage covered issues such as disruption to the commercial business of the city, traffic disruption and inconvenience to residents and visitors. Similar marches were held at this time in other areas of the country.

6 On-going Considerations

- 6.1 The Council's Events Management Team manage and co-ordinate events in the city. They have recently commenced several initiatives in events management including undertaking a benchmarking exercise which will compare our procedures with those of other Councils, particularly regarding crowd control measures, barrier types etc.
- 6.2 In 2001 the Council approved the Festivals Strategy and Events Strategy in principle, with the exception of the recommendation to establish a "one-stop-shop" for Festivals/Events.

7 Financial Implications

- 7.1 The Revenue Budget for 2001/2002 included an allocation of £186,973 for the costs of signs, cones and barriers for processions and events in the City. This figure was further enhanced by an allocation of £80,125 for Hogmanay events.
- 7.2 The cost incurred by the City Development Department in providing the traffic management and barriers for processions and events throughout the year was £518,055. This resulted in an outstanding balance of £250,957 which was met from the Revenue Budget for road maintenance.

8 Conclusions

- 8.1 The motion by Councillor Gilchrist referred specifically to the timing of the demonstrations. As stated above, the Council do have powers to control the timing of marches however historically concerns in this area have been resolved by negotiations between the Council, the Police and the march organisers. It is, however, extremely difficult to deal with marches if the Council has not been informed of the proposed event.

9 Recommendations

- 9.1 To note this report and, in particular, the current procedures adopted by the Council and the extent of powers available to the Council and the Chief Constable in terms of the Civic Government (Scotland) Act 1982.
- 9.2 To note the current position regarding the notice of motion by Councillor Lowrie and to discharge the motion by Councillor Gilchrist.


Jim Inch
Director of Corporate Services
16/06/03

Appendices	Appendix 1 – Report No E/496/02-03/CD by the Director of City Development Appendix 2 – Report No E/632/02-03/CD by the Director of City Development
Contact/tel	Donald Kennedy Tel: 529 4243 email: donald.kennedy@edinburgh.gov.uk Morag Stevenson Tel: 529 4125 email: morag.stevenson@edinburgh.gov.uk
Wards affected	City-wide
Background Papers	1) Executive of the Council 20 June 2000 (item 6), 14 January 2003 (item 14) and 11 March 2003 (item 51). 2) Act of Council of 10 April 2003

Processions in the City

Executive of the Council

14 January 2003

Purpose of report

- 1 To report on the Motion by Councillor J Lowrie relating to processions in the City.

Main report

- 2 At the meeting of the Executive dated 20 June 2000 Councillor Lowrie submitted the following Motion:

Noting that there has been a growth in the number of processions along Princes Street and in the City Centre putting severe pressure on Police and Transportation resources, to ask the Executive to:
 - a consider limiting the number of such processions.
 - b suggest alternative routes which would limit disruption to traffic and commercial business'
- 3 The processions, which take place in the city fall into two categories, those, which are demonstrations or marches, and those, which are adding to the entertainment and economic vibrancy of the city. While the former are the result of people exercising their statutory rights the latter provide enjoyment for the residents and the visitors to the city, stimulate tourism and boost the economy.
- 4 In terms of the relevant law there is probably no fundamental distinction between the different categories of procession as outlined above. The relevant legislation in point is the Civic Government (Scotland) Act 1982. The legal obligations placed on those proposing to hold processions are fairly limited. The organiser is required to give notice to both the Council and the police not later than 7 days before the intended date of the procession. The information that is requested to be given for such notification entails giving notice of the date and time of the procession, the intended route, the number of persons likely to take part, the name and address of the organiser and the arrangements which are being made by the organisers for the control of the march.

- 5 When the Council receives such notification it is in the position after consulting with the Chief Constable to take no further action, which would permit the procession to proceed without any further legal obligation being imposed, or to make an order either prohibiting the holding of the procession or attaching conditions seeking alteration to the date and time, or its route. It should be noted that these orders may be subject to an appeal to the Sheriff. It should also be noted in the case of the former order that unless the reason for the prohibition is apprehension of serious public disorder any such appeal has significant prospects of success.
- 6 In many cases and especially where processions are being staged for entertainment the organisers generally engage with the Council at an early stage in the planning process. This approach ensures that the requirements of the participants and the spectators are met and that the health and safety requirements are fully addressed. It also ensures that the traffic management requirements are designed to minimise the impact on the City.
- 7 Many of the main processions throughout the year such as the Festival and Christmas Cavalcades are now established on the City's calendar and the Council is keen to support these to ensure their continuity. Others are seen as either one of events such as the Millennium Parade or events that are being promoted with the aim of raising funds albeit that the money is being directed to a charity. In these cases the City Development Department seeks to recover the cost of the traffic management from the organisers. It should be noted however, that it is extremely unlikely that organisers of marches aimed at a demonstration would make such a contribution. Furthermore the Council Solicitor has advised that there would appear to be no legal ability to recover any costs incurred by the Council if the organiser does not make a contribution voluntarily.
- 8 It is recognised that processions cause disruption and prevent residents from going about their normal business. In view of this the organisers are encouraged to arrange processions for Sundays when the traffic levels are low and the shops are closed. It has to be recognised however that it is unlikely that organisers of demonstrations will be receptive to this approach. Care is also taken to ensure that church services are not disturbed and that access is maintained especially for the disabled.
- 9 Most organisers want the route of their parade to be focussed on Princes St. It is the centre of the city with the backdrop of the castle and Princes Street can safely accommodate a large number of spectators.
- 10 Historically the recognised route for parades was from Waterloo Place along Princes St to Kings Stables Road. Waterloo Place is no longer available due to the bus stance which is now in place so the current route is from Waverley Bridge, the procession starting either in Market St or as in the case of the Millennium Parade, Johnston Terrace. Princes St can be closed with relative ease while reasonable access around the city is maintained and the width of the street provides a safe venue for everyone involved. Provided that the procession is held on a Sunday then there should be no disruption to city centre

shops. In view of this it is generally acknowledged that there is not another route which is equally suitable.

- 11 With regards to limiting the number of processions the Council Solicitor considers that any suggestion that the number of processions along a particular route should be limited to a specific number is distinctly exposed to legal challenge. Firstly there is an argument that in principle such a decision involves a contravention of Human Rights legislation. Secondly in considering whether to make an order either prohibiting a procession or attaching conditions the Council should in law be considering the individual circumstances surrounding such a procession. A prior decision to limit the number of processions clearly runs counter to that principle of considering individual circumstances.

Financial Implications

- 12 The Revenue Budget for 2001/2002 included an allocation of £186,973 for the cost of signs, cones and barriers for processions and events in the city. This was further enhanced by an allocation of £80,125 for Hogmanay.
- 13 The cost incurred by the City Development Department in providing the traffic management and barriers for processions throughout the year was £474,740. This resulted in an outstanding balance of £207,642 which was borne by the Revenue Budget for road maintenance.

Recommendations

- 14 To note the content of the report and to discharge the Notice of Motion.



Andrew Holmes
Director of City Development

23 12.02

Appendices	None
Contact/tel	Tom Clark – 0131 529 3414
Wards affected	All
Background Papers	None

Agenda item:

Report title: Processions in the City

In accordance with the Council's constitutional arrangements, the contents of this report have been noted by the appropriate Executive Member.

Without prejudice to the integrity of the report, and the recommendations contained within it, the Executive Member expresses his/her own views as follows:

Signed:



Date: 11th December 2002

For information – Paragraph 8.2 of the Council's Constitutional Arrangements states:

“Officers will continue to prepare reports, with professional advice and recommendations, on matters requiring decisions by the Executive:

- a report seeking decisions on matters of corporate strategy, corporate policy and corporate projects will be submitted direct to the Executive
- a report seeking decisions on matters relating to the special responsibilities allocated to an individual member of the Executive will be submitted, in the first instance, to that member. The member will add his or her own recommendation to it before submission to the Executive. Where the Executive member disagrees with the advice and the recommendation of the officers, the Executive member will also state his or her reasons.”

From - “Capital City Government – The New Arrangements” (Appendix 2 – Constitutional Arrangements) – agreed at Full Council 18 May 2000.

Events in the City

Executive of the Council

11 March 2003

Purpose of report

- 1 To report in detail on events and processions which take place in the City, in accordance with the decision by the Executive on 14 January 2003.

Main report

- 2 Reference is made to the report entitled Processions in the City, which was submitted to the Executive on 14 January. The Executive determined that the Director of City Development was to report further on this matter giving details of other events, which take place in the City, and to include details of the consultation procedures, which are adopted.
- 3 As previously outlined the events which take place in the City fall into 2 categories, those which are demonstrations or marches where people are exercising their statutory rights and those which add to the entertainment and economic vibrancy of the City.
- 4 The events are many and varied and a detailed list of all events that took place during 2001/2002 is attached as Appendix 1. The cost to the City Development Department for the staging of these events was £518,055. The allocation within the Revenue Budget for this work was £267,098 which left an outstanding balance of £250,957 which was borne by the Revenue Budget for road maintenance.
- 5 Every event which takes place within the city is examined by the Events Planning and Operations Group (EPOG). The Public Safety Manager chairs this group and representatives attend from Network Services, Edinburgh Roads Services, the emergency services, the police and the event organiser where appropriate. The Group approves the route and the traffic management arrangements. It also examines all matters relating to public safety including the arrangements for the Fire and Ambulance Services.
- 6 The Transport Sub Group, which reports to the EPOG, consists of representatives from Transport, the police, the bus companies, the taxi companies and the Parking attendants. This Group examines the detailed arrangements for the road closures and the resulting traffic diversions and parking restrictions. The Group also ensures that suitable alternative arrangements are put in place to maintain bus services.

- 7 The work of this Group leads on to the production of the Temporary Traffic Regulation Orders and the traffic signs and coning schedules which are provided to Edinburgh Roads Services for deliver on the ground.
- 8 The effect of events on the local residents and businesses is of major concern to the Council and letters outlining the traffic and parking restrictions are sent to all effected parties. This gives the residents and the businesses the opportunity to contact the Council if there are particular problems. All matters raised with the Council are examined and alternative arrangements are put in place where possible.
- 9 It is recognised that the removal of parking bays is a significant problem for many residents and therefore those residents with parking permits are granted a dispensation to park in either a residents' bay or a pay and display bay immediately outside the restricted area free of charge. Contact is also made with churches when the event is on a Sunday to ensure everyone including the disabled can gain access to their services.
- 10 Events are important generators of economic impact and form a key component of the City's tourism product, enforcing its reputation as year round destination. Analysis of the economic impact generated by events is considered and in 2000 assessments were carried out of the Edinburgh's Capital Christmas festivities and the Marie Curie Cancer Care March of 10,000 Pipers in August 2000. An important element of Edinburgh's Capital Christmas is the Christmas Parade, which necessitates road closures.
- 11 Analysis by The Audience Business suggested that the Marie Curie Cancer Care March of 10,000 Pipers generated £8.5 million to the Edinburgh economy supporting 45 FTE jobs, with a total impact across Scotland of £15 million support 79 FTE jobs. This parade was characterised by high numbers of participants originating from overseas accompanied by friends and families, which generates the significant economic impact.
- 12 The analysis of Edinburgh's Capital Christmas 2000, also conducted by The Audience Business, shows that the festivities generated £10 million for the local economy supporting 54 FTE jobs. A significant component of the Edinburgh's Capital Christmas festivities is the Christmas Parade, which necessitates street closures in the City Centre. The economic impact of the Parade cannot be identified separately but is included in the aggregate figures shown.
- 13 Officers in City Development have commissioned research into the 2002 Edinburgh's Capital Christmas festivities to assess the economic impact, and the results will be available in March 2003.

Financial Implications

- 14 The cost incurred by the City Development Department in providing the traffic management and barriers for processions and events during 2001/2 was £518,055. The Revenue Budget for 2001/2002 allowed an allocation of £186,973 plus a further £80,125 for Hogmanay. This resulted in an outstanding balance of £250,957 which had to be borne by the Revenue Budget for road maintenance.

- 15 Events are important components of the City's tourism product and the economic impacts accruing are significant. Examples from 2000 of the Edinburgh's Capital Christmas festivities and Marie Curie Cancer Care March of 10,000 Pipers demonstrate this significance generating over £18.5 million to the local economy and supporting 99 FTE jobs.

Recommendations

- 16 To note the report.



Andrew Holmes
Director of City Development

313/03

Appendices	Appendix 1 - 2001-2002 Events Costs
Contact/tel	Tom Clark – 0131 529 3414
Wards affected	All
Background Papers	None

2001 – 2002 EVENTS COSTS

The costs shown below are the actual costs associated with the Organisation, Design and Implementation of the Traffic Management arrangements for all events in the City during 2001/2002. The costs are exclusive of Staff costs although they do include the design and management fees.

<u>EVENT</u>	<u>EVENT COST</u>
FESTIVAL CAVALCADE	£61,744.16
FESTIVAL FIREWORKS	£52,918.49
HIGH STREET CLOSURE	£8,108.75
CONES & BARRIERS	£43,101.42
SPECIAL EVENTS GENERAL	£93,379.16
CHRISTMAS LIGHTS	£11,148.64
MARIE CURIE MARCH (balancing item from previous year)	£1,686.47
CHRISTMAS CAVALCADE	£43,452.43
HOGMANAY	£110,685.70
FARMERS MARKET	£3,873.19
SPORTS EVENTS	£36,551.95
ROYAL VISITS	£5,840.92
DESIGN & MANAGEMENT FEES	£45,563.73
Total Events Costs	<u>£518,055.01</u>

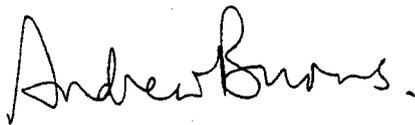
Agenda item:

Report title: Events in the City

In accordance with the Council's constitutional arrangements, the contents of this report have been noted by the appropriate Executive Member.

Without prejudice to the integrity of the report, and the recommendations contained within it, the Executive Member expresses his/her own views as follows:

Signed:



Date: 24th February 2003

For information – Paragraph 8.2 of the Council's Constitutional Arrangements states:

"Officers will continue to prepare reports, with professional advice and recommendations, on matters requiring decisions by the Executive:

- a report seeking decisions on matters of corporate strategy, corporate policy and corporate projects will be submitted direct to the Executive
- a report seeking decisions on matters relating to the special responsibilities allocated to an individual member of the Executive will be submitted, in the first instance, to that member. The member will add his or her own recommendation to it before submission to the Executive. Where the Executive member disagrees with the advice and the recommendation of the officers, the Executive member will also state his or her reasons."

From - "Capital City Government – The New Arrangements" (Appendix 2 – Constitutional Arrangements) – agreed at Full Council 18 May 2000.