

## Civic Government (Scotland) Act 1982 – notification of procession – Scottish Defence League

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### Licensing Sub-Committee

19 August 2011

#### 1 Purpose of report

- 1.1 This report advises the Committee of a notification of public procession, proposed to take place in the city centre area.
- 1.2 The Committee is asked to reach a decision either to:
  - (a) make an order in respect of the holding of the procession, including any conditions with regard to its conduct, route and timing;
  - (b) prohibit the holding of the procession.

#### 2 Summary

- 2.1 In terms of the relevant legislation, persons intending to hold a public procession are required to notify their Council and Chief Constable. The Council is then required, in consultation with the Chief Constable, either to make an order in respect of the holding of the procession or, if it considers there are grounds for doing so, to prohibit the holding of the procession.
- 2.2 A notification of intended public procession has been submitted to the Council by the Scottish Defence League (SDL).
- 2.3 Following notification, a report on the proposed procession has been submitted for the Committee's consideration, on behalf of the Chief Constable, Lothian and Borders Police.
- 2.4 Events Planning and Operation Group meetings have taken place attended by the procession organisers, police and appropriate council officers, with a view to establishing arrangements for the procession taking place, in the event of an order being made for it to proceed.

### **3 Main report**

- 3.1 Section 62 of the Civic Government (Scotland) Act 1982 specifies that a person proposing to hold a procession in public shall give written notice of that proposal to both the relevant local authority and to the Chief Constable. The Act requires that notification shall specify:-
- (a) date and time of procession;
  - (b) route of procession;
  - (c) number of persons likely to take part;
  - (d) arrangements for control being made by the person proposing to hold it; and
  - (e) the name and address of that person.
- 3.2 Section 63 of the 1982 Act sets out the Council's functions in relation to notifications of processions. In considering the terms of a notification, the local authority may, after consulting with the Chief Constable, make an order:
- (i) prohibiting the holding of the procession; or
  - (ii) imposing conditions on the holding of the procession.
- 3.3 In considering these options, the local authority is required to have regard to:
- (a) the likely effect of the procession being held in relation to:
    - (i) public safety;
    - (ii) public order;
    - (iii) damage to property;
    - (iv) disruption of the life of the community;
  - (b) the extent to which containment of risks arising from the procession would place an excessive burden on the police;
  - (c) any previous processions organised in the local authority's area involving the person organising the current procession, or any persons likely to take part in the current procession.
- 3.4 The Council is also required to have regard to Scottish Government Guidance on Parades and Processions. Appropriate extracts from the guidance will be provided for the Committee's consideration.
- 3.5 Members of the SDL have attended Events Planning and Operations Group meetings, chaired by the Council's Public Safety officers with representatives from Lothian and Borders Police, and council officers from Roads and Legal and Administrative Services. Detailed discussions took place at two separate EPOG meetings with regard to possible locations and timings for a procession.
- 3.6 Following the EPOG meetings, a formal notification of a public procession was submitted to the Council on 1<sup>st</sup> August 2011 by Graham Fleming on behalf of

the Scottish Defence League. That notification, confirming the details of the date, timing, route, stewarding arrangements and approximate attendance number is attached at appendix 1 to this report.

- 3.7 Lothian and Borders Police have provided a response to the notification of procession. This is attached as appendix 2. The police have acknowledged that there may be some disruption to city centre business. The police report confirms that with sufficient planning in place, it should be possible to accommodate both the SDL procession and any other resultant demonstrations.
- 3.8 An Events Planning and Operations Group meeting has been scheduled for 5<sup>th</sup> September 2011. A further assessment will be made at that time, in the event that the Committee resolves to make an order imposing conditions on the holding of the procession.
- 3.9 The Council's Scheme of Delegation provides that decisions on processions are a matter for the Director of Corporate Services. It also provides however that processions of a controversial nature require to be reported to the Committee, and this is a notification which falls within that category.
- 3.10 Committee members may wish to note that whilst the numbers of persons likely to participate (and steward) in the SDL march are known, there is as yet no means of confirming likely numbers of counter-demonstrators. The SDL has not previously submitted a formal procession notification to the Council. The organisation was however involved in a protest in February 2010, in respect of which a formal notification of procession was intimated to the Council by those protesting against the SDL, resulting in a significant number of persons taking part in that protest. The police have made reference to this in their response as attached.
- 3.11 The Council has received a number of objections to the SDL procession being allowed to proceed. Copies of the objections are attached as appendices to this report. The objections highlight concerns about impacts on public safety, public order and about possible damage to property. An objection from the STUC has expressed concerns about the date of the proposed procession, in light of its proximity to the tenth anniversary of the 9/11 attacks.
- 3.12 Whilst indications have been given that there is likely to be a formal protest against the SDL procession, as at the date of preparation of this report there had been no formal notification to that effect. Police and council officers have however attempted to plan for such an eventuality. Details of any further notifications of processions will be reported to the Committee, in the event that these become available.
- 3.13 If the Committee decides to restrict or prohibit the holding of the procession, the person proposing to hold the procession can appeal against that decision to the Sheriff Court within fourteen days of the order being intimated. In considering the notification of procession, the Committee is therefore asked to ensure that it sets out clear reasons for any decision made.
- 3.14 Organisers of the SDL procession will be invited to attend the Committee's meeting to answer any specific questions members may have.

## **4 Financial Implications**

- 4.1 The financial implications to the Council are expected to be minimal, and will be absorbed within existing budgets. Due to the short route requested by the organisers and the relatively short duration of their event, it is anticipated that there will be no requirement for Temporary Traffic Regulation Orders. In the event of the procession going ahead, there will be council officers on duty on the day to assist the police.

## **5 Environmental Impact**

- 5.1 There may be some short term environmental impacts arising from any agreed procession particularly in connection with the proposed route crossing a public road, though arrangements have been made to mitigate these.
- 5.2 The event organisers have undertaken to ensure that they do not litter the procession route and will remove placards and banners at the end of the procession.

## **6 Equalities Impact**

- 6.1 There is a strong correlation between the proposals described in this report and the Council's legal obligations under the Equality Act 2010. In this regard, the Committee should pay due regard to the general public sector equality duties to (i) eliminate unlawful discrimination, harassment and victimisation, (ii) advance equality of opportunity and (iii) foster good relations.
- 6.2 In accordance with the Council's policy, the equalities relevance score for this report was calculated as (i) medium relevance with regard to equalities legal duties, (ii) high relevance with regard to public concern expressed by equalities groups and (iii) high relevance with regard to potential negative impact on the quality of life of equalities groups. Consequently, a full equalities impact assessment is being undertaken in partnership with Lothian and Borders Police. It should be noted that extensive community reassurance activity is already underway.

## **7 Conclusions**

- 7.1 The Committee will be required to reach a determination on the SDL's notification, with a view either to conditioning their proposed procession, or prohibiting it.
- 7.2 In considering these options, the Committee is asked to take account of the various representations made and to ensure that it gives clear reasons for its final decision.
- 7.3 At the time of writing there is a lack of concrete information with regard to the likelihood of counter-demonstrations, the possible number of those attending and the level of organisation of any such events. There is an expectation on the part of police and council officers involved in event planning that any procession by the SDL will attract a counter-demonstration in some form.

## 8 Recommendations

- 8.1 The Licensing Sub-Committee is asked to consider the attached notification of proposed procession and, having regard to the representations made, to make a decision on the following options:
- a) to make an order in respect of the proposed procession, imposing conditions as recommended by the police and appropriate council officers; or,
  - b) to make an order prohibiting the proposed procession.

**David Jack**  
Acting Director of Corporate Services

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Appendices	<ul style="list-style-type: none"><li>1 Notification of Proposal to Hold a Public Procession – Scottish Defence League – received 1<sup>st</sup> August 2011</li><li>2 Response to proposal, from Lothian and Borders Police – received 12<sup>th</sup> August 2011</li><li>3 Letter of objection – Councillor Gordon Munro</li><li>4 Emailed objection – Colin Keir MSP</li><li>5 Letter of objection – Marco Biagi MSP</li><li>6 Letter of objection – Kenny MacAskill MSP</li><li>7 Letter of objection – Jim Eadie MSP</li><li>8 Emailed objection – Linda Rodgers, Scottish Women’s Aid</li></ul>
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Wards affected	Ward 11 – City Centre
Single Outcome Agreement	none
Background Papers	Scottish Government Guidance for Local Authorities – Marches and Parades in Scotland – December 2006