

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

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### Licensing Sub-Committee

20<sup>th</sup> April 2012

#### 1 Purpose of report

- 1.1 To update the committee on a notification of public procession, proposed to take place in the city centre area.
- 1.2 To ask the Committee 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; or
  - (b) prohibit the holding of the procession.

#### 2 Main report

- 2.1 On 9<sup>th</sup> March 2012 the committee considered a notification of proposed procession, submitted on behalf of the Scottish Defence League (SDL). The notification form is attached as appendix 1 to this report.
- 2.2 The procession has been proposed for 26<sup>th</sup> May 2012, starting at 1.00pm. Initially the organiser had advised of an assembly point at St Giles Street, thereafter proceeding along the High Street, to George IV Bridge, on to Victoria Street and concluding at the Grassmarket with a rally there, finishing at 2.30pm.
- 2.3 The committee expressed concerns about the proposed route of the procession, with particular regard to its destination in the Grassmarket. The Committee agreed that it would be appropriate to continue consideration of the proposal, to allow the SDL representative to liaise with police and relevant council officers regarding the procession route.
- 2.4 The SDL's representative met again with Council officers, Lothian and Borders Police and other relevant officers at a further EPOG (Events Planning and Operations Group) meeting, to discuss further proposals for the procession. Discussions centred around alternative routes for the procession, noting the committee's concern expressed with regard to the route as initially notified. Officers gave detailed consideration to the general organisational

arrangements that Council and police officers would expect the SDL to have in place for their procession.

2.5 Following conclusion of the EPOG meeting, the SDL's representative confirmed that his organisation would still wish to proceed with a procession, to start at the same time and on the same date as previously notified, with the same expected level of attendance and with the same stewarding arrangements. The following three alternative routes for the procession were proposed, in order of preference:-

1. Assemble on Regent Road, proceed on Abbeyhill and end with a rally outside the Scottish Parliament
2. Assemble on Market Street, proceed along East Market Street and end with a rally outside the Council Offices on East Market Street
3. Assemble on Regent Road, proceed along Regent Road and end with a rally outside St Andrew's House

2.6 Copies of route maps will be made available for the committee's consideration.

2.7 In terms of section 63 of the 1982 Act, the Council 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.

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.

The Council is also required to have regard to Scottish Government Guidance on Parades and Processions. (Extracts from the guidance are attached as appendix 2 to this report).

2.8 Previous EPOG discussions with the SDL have included consideration of the static protest event organised by the SDL for 10<sup>th</sup> September 2011. Officers noted that there had been a counter-demonstration on that same date, and that operational arrangements agreed by police and council officers for that date

had for the most part been sufficient to minimise the impact of that event and the counter-demonstration.

## **Police response**

- 2.9 The initial police response to the notification of proposed procession is attached at appendix 3 to this report. The police suggested that in the event of an order being made in respect of a procession, a number of conditions should be attached and the SDL event should finish at 2.00pm, rather than 2.30pm as requested. A further report has been requested from the police, and this will be circulated.
- 2.10 The police have noted that previous SDL events have attracted counter-demonstrations. To date, there has been no formal notification of proposal for procession from any other organisation in respect of the SDL's request, although it is recognised that this may follow. There have been discussions during the EPOG process regarding the SDL's notification, with regard to contingency arrangements for any counter-demonstration and its possible location.
- 2.11 Notification of any counter-procession would require to be notified to the police, would be the subject of EPOG meetings and would ultimately be reported to the committee. Since this matter was considered at committee on 9<sup>th</sup> March 2012, a number of written and emailed representations and objections have been submitted. Copies will be provided for the committee's consideration.

## **Decision**

- 2.12 The committee is being asked to consider the alternative routes suggested by the SDL for the procession, and will have to consider each of the routes as against the considerations in section 63 of the 1982 Act (as detailed at paragraph 2.6 above).
- 2.13 If the committee decides to restrict or prohibit the holding of the procession, the person proposing to hold the procession may appeal against that decision to the Sheriff Court within fourteen days of written reasons being received by them. In making a decision on the proposed procession, the committee is asked to ensure that clear reasons are stated.

## **3 Financial Implications**

- 3.1 The financial implications to the Council are expected to be minimal but dependent upon the agreed route may include the need for a Temporary Traffic Regulation Order, all to be absorbed within existing budgets. In the event of the procession going ahead, there will be Council officers on duty on the day to assist the police.

## **4 Environmental Impact**

- 4.1 There may be some short term environmental impacts arising from any agreed procession particularly in connection with the proposed route crossing public road, though arrangements have been made to mitigate these.

4.2 Arrangements will be made for the removal of placards and banners at the conclusion of the event.

## 5 Equalities Impact

5.1 The notification of procession by the SDL is relevant to the Council's general duties under the Equality Act 2010, in particular the duty to foster good relations. An Equalities Impact Assessment was carried out by the City of Edinburgh Council last year with regard to its policies and procedures on notifications of public processions, in consultation with Lothian and Borders Police. The equality relevance score was calculated at six out of nine and therefore a specific assessment was completed.

## 6 Recommendations

6.1 The Licensing Sub-Committee is asked to consider the attached notification of proposed procession as amended and, having regard to the representations made, to make a decision either to:

- a) make an order in respect of the proposed procession, imposing conditions as recommended by the police and appropriate Council officers; or
- b) make an order prohibiting the proposed procession.

**Alastair Maclean**  
Director of Corporate Governance

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Appendices	<ol style="list-style-type: none"><li>1 Notification of Proposal to Hold a Public Procession – Scottish Defence League – dated 10<sup>th</sup> January 2012</li><li>2 Extract from Scottish Government Guidance for Local Authorities – Marches and Parades in Scotland – December 2006</li><li>3 Response to proposal, from Lothian and Borders Police – dated 14<sup>th</sup> February 2012</li></ol>
Contact/tel/Email	Nick Fraser, Senior Solicitor, Legal and Administrative Services Tel.: 0131 529 4424 Email: nicholas.fraser@edinburgh.gov.uk
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 Report to Licensing Sub-committee 9 <sup>th</sup> March 2012