

Licensing Sub-Committee of the Regulatory Committee

14.00pm, Tuesday, 22 July 2014

Proposed Scottish Defence League March - 23 August 2014

Item number	3.4
Report number	
Executive/routine	
Wards	City Centre (Ward 11)

Executive summary

The City of Edinburgh Council has been notified of a proposed march by the Scottish Defence League, to take place on 23 August 2014.

The Council has limited powers in respect of marches. It can take no action and the march would proceed. Alternatively it has the power to attach conditions or, under limited circumstances, to ban the march.

The Committee needs to decide whether to exercise any of these options.

Links

Coalition pledges	N/A
Council outcomes	N/A
Single Outcome Agreement	N/A

Proposed Scottish Defence League March - 23 August 2014

Recommendations

It is recommended that the Committee:

- 1.1 Hears from Police Scotland and any objections;
- 1.2 makes an order prohibiting the proposed procession; or
- 1.3 permit the procession and make an order imposing conditions as recommended by the Police and Council officers.

Background

- 2.1 Under the Civic Government (Scotland) Act 1982, anyone organising a procession in Scotland must notify the appropriate local authority and the police at least 28 days prior to the date of the event.
- 2.2 The City of Edinburgh Council has been notified that the Scottish Defence League (SDL) intends to hold a march through the city on 23 August 2014 ([Appendix 2](#)).
- 2.3 In 2013 the Committee allowed a similar event subject to attaching certain conditions after concerns were raised about public safety. Prior to that, the Council has banned similar marches by the SDL. The SDL have previously held static rallies in the city and the Council has no powers in relation to these.
- 2.4 The Council has limited powers available regarding the control of such events.

Main report

- 3.1 The Events Planning and Operations Group (EPOG) process has been undertaken in relation to the proposed event. The event organiser attended an initial EPOG meeting in May 2014. Police Scotland and Council teams subsequently had further discussions in June 2014 on this procession.

- 3.2 Police Scotland state that that the event organiser himself continues to cooperate with them but that they are *'no longer confident that the cooperation of the organisers is indicative of the intention of wider elements of the SDL membership and affiliated groups'*. The police also report that at the previous two events in August 2013 and May 2014 (a static rally) *'have demonstrated that groups within the SDL and groups attaching themselves to the SDL will now not necessarily comply with police direction particularly as regards meeting points and routes in and out of the area. Some participants at these events have shown that they may actively seek confrontation'*. The attached letter ([Appendix 1](#)) narrates in full the detail of the concerns.
- 3.3 Police Scotland have therefore objected to the march on the grounds detailed in the attached letter, in particular because the city is very busy at this time of year, thus resources are already stretched. It is highly likely that the procession will generate a counter march which will add to the resources required and the impact on the city.
- 3.4 The proposed event would take place during the festival period where its impact on the city is likely to be magnified. This is a peak period in the city and the march could cause serious disruption to life of the community.
- 3.5 Previous events in August 2013 and May 2014 required significant road closures in order to support the policing of the march. Road Services report that some roads in particular, Carlton Road, were closed for extended periods as a result. If the procession were to go ahead Road Services confirm this disruption would be repeated.

Measures of success

- 4.1 That the Council discharges its statutory duties in respect of this notification.

Financial impact

- 5.1 None arising directly from this report. If allowed to proceed a Temporary Traffic Regulation Order (TTRO) will be required and the costs of this will be absorbed within existing budgets. In the event of the procession going ahead Council officers will be on duty on the day to assist the Police.
- 5.2 Council resources will additionally need to be deployed on the day, in particular with respect to any road closures. Experience from the previous two events has shown a significant resource is required.

Risk, policy, compliance and governance impact

- 6.1 Should the Committee decide to restrict or prohibit the procession, the person proposing to hold the procession may appeal against that decision to the Sheriff Court within 14 days of written reasons being received by them.
- 6.2 The march is politically contentious and therefore is not appropriate for officers to decide under delegated powers.

Equalities impact

- 7.1 The proposals in this report demonstrate a high degree of relevance to the public sector equality duty to eliminate unlawful discrimination, harassment and victimisation and to foster good relations. The proposals also demonstrate a high degree of relevance to human rights articles concerning freedom of thought, conscience and religion, and freedom of expression.
- 7.2 In coming to a decision, the Committee will have to consider the rights of the procession organisers to stage their procession, and the Council's duty to foster good relations and ensure the protection of public order and safety. These must be discharged against the relevant statutory duties.

Sustainability impact

- 8.1 There may be some short term environmental impact arising from any agreed procession:
 - The proposed route crosses public roads, though arrangements have been made to mitigate any disruption caused; and
 - Arrangements will be made for the removal of placards and banners at the conclusion of the event.

Consultation and engagement

- 9.1 The SDL's representative has attended one EPOG and has had dialogue with relevant officials.

Background reading / external references

[Report to Regulatory Committee 24 July 2013](#)

Scottish Government guidance - [Review of parades and marches in Scotland \(2006\)](#)

Susan Mooney

Head of Service

Contact: Andrew Mitchell, Community Safety Manager

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

Links

Coalition pledges	N/A
Council outcomes	N/A
Single Outcome Agreement	N/A
Appendices	Appendix 1 : Letter from Police Scotland dated 9 June 2014 Appendix 2 : Notification of intention to hold a parade