



Glasgow City Council

Wellbeing, Empowerment, Community
and Citizen Engagement City Policy Committee

Report by Director of Governance and Solicitor to the Council

Contact: Mairi Millar Ext: 75509

Item 2

7th March 2019

**PUBLIC PROCESSIONS
ANNUAL REPORT**

Purpose of Report:

To provide Members with an annual report on public procession notifications submitted to the Council in 2018 and to seek agreement to the establishment of a short-life working group to review the current Policy and Code of Conduct on Public Processions.

Recommendations:

Members are asked to:

- 1) Note the content of this report;
- 2) Agree to the establishment of a short-life working group to review the current Policy and Code of Conduct on Public Processions in Glasgow; and
- 3) Instruct the Director of Governance and Solicitor to the Council to report back to Committee with any recommendations made by the working group on changes to the Policy and Code of Conduct.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes No consulted: Yes No ✓

1 Background

- 1.1 Part V of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) sets out the legal process in relation to dealing with parades and processions in Scotland. Guidance issued by the Scottish Ministers in 2006 under section 65A of the 1982 Act sets out the changes which were made to the law on processions by the Police, Public Order and Criminal Justice (Scotland) Act 2006. The Guidance also sets out what the Council needs to take account of when assessing notifications to hold a procession.
- 1.2 Under the 1982 Act, anyone organising a parade or procession in Glasgow must notify the Council at least 28 days prior to the date of the event. Upon receipt of a notification, the Council can:-
- agree to the parade or procession proceeding as the organiser intended;
 - attach conditions to the holding of the parade or procession, for example changes to the proposed route or start time; or
 - under very limited circumstances, prohibit the parade or procession.
- 1.3 Part V of the 1982 Act sets out the relevant considerations which the Council must take into account when considering a notification received from a procession organiser and whether it is necessary to prohibit or impose conditions on a procession. These considerations are:-
- public safety;
 - public order;
 - damage to property; and
 - disruption to the life of the community.
- 1.4 In addition, the Council must give consideration to the extent to which the containment of risks arising from the procession would place an excessive burden on the police. The Council must also take into account the effect of previous similar processions and the conduct of participants during these.
- 1.5 In dealing with a procession notification, the Council must recognise the fundamental rights contained within the European Convention on Human Rights in relation to freedom of assembly and of association. As a public authority, the Council must act within current European and domestic legislation and balance the rights of individuals and groups to hold processions, with the rights of others to go about their business without unnecessary disruption.
- 1.6 The Council is required to examine all factors before deciding whether it would be appropriate to place conditions on a procession, or prevent it from taking place, and any decision must be proportionate taking account of the aim it is trying to tackle, all in accordance with the legislation.

2 Policy and Code of Conduct on Public Processions

- 2.1 In accordance with the Guidance issued by the Scottish Ministers, the Council has developed a Policy and Code of Conduct on Public Processions providing

information on the procedure for dealing with a procession notification as well the obligations placed on the organiser of the procession. The current [Policy and Code of Conduct on Public Processions](#) was approved by the Council's Executive Committee on 9 October 2014.

- 2.2 The Policy and Code of Conduct were implemented through negotiation and discussion with both procession organisers and the police in order to seek to move forward together to resolve any difficulties or concerns.
- 2.3 The overall aim of the Code of Conduct is to seek to strike a reasonable balance between protecting the fundamental rights of individuals and organisations to arrange and participate in public processions, and the need to minimise disruption to the wider community by protecting the rights of all of Glasgow's citizens to go about their business without unnecessary disturbance and interference.
- 2.4 The Code of Conduct sets out a number of conditions, requirements and restrictions which will be applied, where appropriate, to the procession organiser and the participants in a procession. These include;-
- the timing of and playing of music at processions;
 - requirements in relation to the procession route;
 - the formation of the procession and arrangements for dispersal;
 - the conduct of the participants in the processions; and
 - stewarding arrangements for processions.
- 2.5 It is critical to the success of the Code of Conduct that it is applied equally to the broad range of organisations that might wish to hold events in the city and that it is adhered to consistently by procession organisers. In considering a procession notification, the Council will consider the extent to which the Code of Conduct was followed in any previous procession by the same organiser.

3 Annual Report on Procession Notifications

- 3.1 The table below shows the number of procession notifications submitted to the Council in the last 4 years.

ORGANISATION	2015	2016	2017	2018
Orange Order	176	183	177	143
Apprentice Boys of Derry	32	29	33	26
Black Institute	30	35	26	20
Republican Marches	18	19	15	16
Trade Union	2	2	3	6
Other	94	93	92	87
Bands	14	13	13	12
Funeral	15	7	11	3
TOTALS	381	381	370	313

- 3.2 In 2018, there were a total of 313 public processions. This compares with a total of 370 in 2017, representing a decrease of 15%. Despite the decrease, it is recognised that the number of processions annually in the city remains significant. In 2018, the council wards with the highest number of processions passing through them were:-

Council Ward	Number of Processions in 2018
Ward 10 – Anderston/City/Yorkill	78
Ward 5 - Govan	53
Ward 9 - Calton	44
Ward 22 - Dennistoun	20

- 3.3 While the vast majority of processions pass without difficulty and in compliance with the requirements set out in the Code of Conduct, it is acknowledged that in a small number of cases there have been complaints and concerns regarding the conduct of participants or followers. There are also a number of challenges to the city posed by processions, which include disruption to public transport and traffic flow, particularly where the procession passes through the city centre, as well as disruption to businesses, retail and tourism.
- 3.4 In order to mitigate the impact of larger scale processions as much as possible, multiagency meetings are held to review the procession management plan, stewarding plan and arrangements for assembly and dispersal. A debrief meeting will be held after the event to review the management of the procession and compliance with the Code of Conduct, with any learning points identified for future similar processions.
- 3.5 Where agreement on the arrangements for a procession cannot be reached and there is a significant concern for one or more of the four statutory considerations referred to above at paragraph 1.3, usually set out in an objection from Police Scotland, a meeting of the Council’s Public Processions Committee will be convened to consider the procession notification. The Public Processions Committee is made up of a panel of 3 members of the Wellbeing, Empowerment, Community and Citizen Engagement City Policy Committee determined based on the availability of members to attend.
- 3.6 The table below shows the number of procession notifications referred to a meeting of the Public Processions Committee over the last 4 years.

ORGANISATION	2015	2016	2017	2018
Orange Order	0	0	0	2
Apprentice Boys of Derry	0	0	0	1
Black Institute	0	0	0	1
Republican Marches	0	1	0	0
Trade Union	0	0	0	0
Other	1	1	1	1
Bands	0	0	0	0
Funeral	0	0	0	0
Totals	1	2	1	5

- 3.7 While the number of procession notifications referred to the Public Processions Committee in 2017 and 2018 increased from 1 to 5, this still represents less than 2% of the total number of procession notifications received in 2018.
- 3.8 Of the 5 procession notifications referred to the Public Processions Committee in 2018, 3 resulted in conditions being imposed amending the route and 2 resulted in an amended route being agreed at Committee with the procession organiser.
- 3.9 A monthly report on the number of processions throughout the city will be produced and forwarded to all members of this Committee for their information.

4 Review of the Policy and Code of Conduct on Public Processions

- 4.1 Following publication of a report in February 2015 entitled *Community Impact on Public Processions*, Dr Michael Rosie was asked by the Scottish Government to provide an independent report assessing the current processes and procedures for arranging and running parades, marches and static demonstrations from the perspectives of those seeking to march, parade or demonstrate and those who need to facilitate and police such events. Dr Rosie was also asked to make recommendations for any actions identified as being necessary to achieve the right balance between those who wish to march, parade and demonstrate and the communities that these events impact upon.
- 4.2 Dr Rosie's *Independent Report on Marches, Parades and Static Demonstrations in Scotland* was published in October 2016 and set out a series of recommendations in relation to a range of issues, focusing on the need for further dialogue to strengthen good relations and better engagement to ensure that where problems do occur, these can be dealt with constructively and in a positive manner.
- 4.3 One particular recommendation in relation to community engagement highlighted the need for both councils and the Police to give further thought as to how meaningful and proactive engagement involving the community can take place. Information should be made available to the public to provide clear and concise guidance as to how to make comments or objections about processions and what considerations can be taken into account.
- 4.4 In its response to Dr Rosie's recommendations, the Scottish Government acknowledged that many of these related to tweaking and fine tuning a system that already works effectively and believed that most were achievable within the current structures in place for the management of these events.
- 4.5 While the Council's Policy and Code of Conduct on Public Processions is considered to be generally compliant with Dr Rosie's recommendations, as a matter of good practice it should be kept under review and updated where necessary. It is therefore recommended that an officer led short-life working group is established in order to carry out a review of the current Policy and Code of Conduct and to make any recommendations for change.

- 4.6 If agreed, the working group should include relevant council officers as well as representatives from Police Scotland, representative procession organisers, faith group representatives, retail and/or business representatives and community council representatives. The review will focus not only on the Council's commitment to continue to support organisations who choose to express their right to demonstrate or process in public but also as to how we can improve the information available to members of the public in relation to proposed processions impacting upon their local community.
- 4.7 The review will also consider whether the current requirements of the Code of Conduct properly balance the rights to peaceful assembly and freedom of expression with the legitimate rights of local residents and businesses to go about their daily lives who may suffer from disruption directly or indirectly caused by a procession.
- 4.8 The outcomes and recommendations from the review of the Policy and Code of Conduct will be reported back to this Committee for consideration by the end of 2019.

5 Policy and Resource Implications

Resource Implications:

Financial: No financial implications

Legal: The Council discharges its statutory duties in relation to procession notifications in accordance with the requirements of Part V of the Civic Government (Scotland) Act 1982, supporting the fundamental rights contained within Article 11 of the European Convention on Human Rights in relation to freedom of assembly and of association.

Personnel: No direct personnel implications

Procurement: No relevant procurement issues

Council Strategic Plan: **A Well Governed City that Listens and Responds:** (Priority Number 92)
The review will help to inform our decision making arrangements for dealing with procession notifications and will improve transparency and accountability by listening to our citizens and responding to their concerns.

Equality Impacts:

Does the proposal support the Outcome 8: Service users with protected characteristics are provided with targeted,

Council's Equality Outcomes 2017-22

improved and more accessible information about the services provided by the Council Family.

What are the potential equality impacts as a result of this report?

A full EQIA will be carried out as part of the review. Accessibility of information relating to processions will be explicitly considered as part of the review.

Please highlight if the policy/proposal will help address socio economic disadvantage

The review of the Policy and Code of Conduct on Public Processions will have particular relevance to the public sector equality duty to eliminate unlawful discrimination, harassment and victimisation and to foster good relations.

Sustainability Impacts:

Environmental:

No environmental impacts have been identified.

Social:

The focus of the review will be to improve engagement with our citizens, enhance accessibility of information and seek to minimise so far as possible the disruption to local communities caused by processions while at the same time continuing to promote the Council's commitment to support organisations who choose to express their right to demonstrate or process in public.

Economic:

The review will consider ways in which disruption by processions to the city's retail, business and leisure sectors can be mitigated so far as possible.

Privacy and Data Protection impacts:

No data protection impact identified

6 Recommendations

Members are asked to:

- 6.1 Note the content of this report;
- 6.2 Agree to the establishment of a short-life working group to review the current Policy and Code of Conduct on Public Processions in Glasgow; and
- 6.3 Instruct the Director of Governance and Solicitor to the Council to report back to Committee with any recommendations made by the working group on changes to the Policy and Code of Conduct.