



Glasgow City Council
Public Processions Committee

Item 1 (e)

11th September 2019

Report by Director of Governance and Solicitor to the Council

Contact: Mairi Millar Ext: 75509

Public Procession
Partick Orange and Purple District 15

Purpose of Report:

To ask Committee to consider a notification in relation to a proposed procession to be held on Sunday 15 September 2019 by Partick Orange and Purple District 15.

Recommendations:

The Committee is asked to:-

1. Note the content of this report; and
2. Consider Ordering that the Procession to be held by Partick Orange and Purple District 15 on Sunday 15 September 2019 should be prohibited in terms of section 63(1)(i) of the Civic Government (Scotland) Act 1982.

Ward No(s): 23

Citywide:

Local member(s) advised: Yes X No consulted: Yes x No

1 Background

- 1.1 Parades and processions are governed by legislation, namely Part V of the [Civic Government \(Scotland \) Act 1982](#) as amended. It should be read in conjunction with the Scottish Government Guidance on "[Review of Marches and Parades in Scotland](#)" December 2006 issued in terms of section 65A of the 1982 Act.
- 1.2 A local authority must take into account the likely effect of holding a procession in relation to the following four factors:
- public safety,
 - public order,
 - damage to property, and
 - disruption to the life of the community.
- 1.3 In addition, it has to be noted that local authorities must recognise the fundamental rights contained in the European Convention on Human Rights and in particular Article 11 rights in relation to freedom of assembly and of association. Any local authority must act within the 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.
- 1.4 The Local Authority must consult with the Chief Constable in relation to parades and processions, and Local Authorities must take account of whether a procession (either alone or with other events) would place too much of a burden on the police.
- 1.5 Local Authorities are 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.

2 Public Procession Notification submitted by Partick Orange and Purple District 15

- 2.1 On 13 August 2019 a Public Procession Notification was submitted to Glasgow City Council ("the Council") by the Organiser. The Notification indicated that the Procession would take place on 15 September 2019 commencing at 1345 hours with the following route:-
- Beith Street, Rosevale Street, Dumbarton Road, Argyle Street, Sauchiehall Street, Radnor Street, Argyle Street, Dumbarton Road, Rosevale Street and dispersing at Crawford Hall.

- 2.2 The notification indicated the reason for the Procession as “Annual Devine Service”. It also indicated that there would be approximately 60 participants and that the procession would take approximately 1 hour.

3 Events of 30 August and 7 September 2019

- 3.1 On 30 August 2019, a public procession by the James Connolly Republican Flute Band took place in Govan commencing at Elder Park at 1900 hours.
- 3.2 The procession was met by a disruptive counter demonstration by several hundred people in the Elder Park area, with significant disorder in and around the Govan Road area, causing significant fear and alarm to members of the public as well as putting the safety of many people at risk.
- 3.3 In responding to the counter demonstration, Police Scotland required to deploy specialist public order officers in full protective equipment, the mounted section, air support and dog units in order to deescalate the situation as quickly and safely as possible. During this time, the participants in the procession and the Police came under missile attack from groups of opposing factions who were intent on entering the park.
- 3.4 On 7 September 2019, public processions by Cairde Na Heirann (Calton Republicans) and Friends of the Irish Republican Prisoners Welfare Association (IRPWA) were met with significant protest and counter demonstrations along Clyde Street, again requiring a substantial deployment of specialist public order officers from Police Scotland in order to minimise so far as possible the risk to public order and public safety. At specific points on the procession route pyrotechnics were thrown towards those taking part in the procession resulting in a police officer requiring hospital treatment as a pyrotechnic exploded next to him.
- 3.5 It is clear that there has been growing community tensions and an escalation in concerns surrounding certain processions since the assault on a priest outside St Alphonsus Church on 8 July 2018. It is also clear from these most recent incidents that there has been a substantial deterioration in relation to these types of public processions and the holding of counter protests to the extent that there are serious concerns for the safety of members of the public and the maintenance of public order as well as causing an unacceptable and unprecedented level of disruption to the life of the community in the event that this particular Procession were to proceed.

4 Comments from Police Scotland

- 4.1 Police Scotland has been consulted on the terms of the Procession notification. Following the events of 30 August and 7 September 2019 and the increased tension in the community they have generated, Police Scotland has advised that there is likely to be serious disorder and disruption to the life of

the community at any perceived similar event in the immediate future, requiring the deployment of a significant policing operation.

- 4.2 Police Scotland have advised that in their experienced professional opinion that this Procession will attract significant counter protest leading to serious public disorder, with an expectation of the use of missiles, the setting of road blocks and the lighting of fires by those involved in the protest.
- 4.3 Police Scotland has further advised that following the events of 30 August and 7 September, they expect the public to be at risk, including those directly involved in the proceedings and those who may become trapped between rival factions. This includes emerging intelligence that the actions of loyalist sympathisers at those processions could attract similar protest, possibly violent in nature from republican supporting groups in retaliation.
- 4.4 In addition, Police Scotland has provided information in relation to the likelihood of damage to property and disruption of life to the community arising from the Procession and the anticipated counter protest.
- 4.5 Police Scotland have also detailed information in relation to the extensive police resources which will require to be deployed in response to this Procession and the likely counter protest.
- 4.6 A copy of the submission from Police Scotland is attached at the appendix to this Report.

5 Considerations

- 5.1 In discharging its statutory duties in relation to processions, it is incumbent on the Council to assess individual proposals against the four criteria outlined in paragraph 1.2 above. In undertaking this assessment the Council must also take into account the views of Police Scotland, and in placing any conditions or restrictions on a procession, the Council must satisfy itself that these measures are proportionate and necessary.
- 5.2 It is the Council's responsibility, in consultation with Police Scotland, to appropriately assess proposals and the likely effect of holding this Procession on public safety, public order damage to property and disruption to the life of the community.
- 5.3 While the Council continues to respect and facilitate the exercising of Article 11 rights to hold public processions and to allow for peaceful protests, this cannot extend to events where the organisers or participants are intent on violence, provocation of violence or other conduct which causes severe and unacceptable disruption to the lives of our citizens and local businesses.
- 5.4 It is also clear that the level of police resources required to facilitate the holding of such public processions and corresponding counter demonstrations is unreasonable.

- 5.5 Given the events of 30 August and 7 September 2019 and the worsening fears and tensions throughout the city, and taking into account the terms of the submission from Police Scotland, the Committee is asked to consider making an Order in terms of section 63(1)(i) of the 1982 Act prohibiting the holding of the Procession.
- 5.6 In making this recommendation, it is acknowledged that an Order to prohibit a procession should only be made in the most exceptional of circumstances, but given the substantial escalation of violence, disorder and disruption recently experienced and the likelihood of the size and scale of a counter protest to this Procession being on a higher level than previously experienced, this is considered to be a necessary and proportionate response.

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Resource

Implications:

Financial: None.

Legal: The notification has been processed in accordance with the requirements of the Civic Government (Scotland) Act 1982, taking into account the European Convention of Human Rights.

Personnel: None.

Procurement: No Procurement Issues

Council Strategic Plan: No Direct Impact

Equality Impacts:

Does the proposal support the Council's Equality Outcomes 2017-22 No EQIA carried out as the report does not relate to a new service, policy, strategy plan or significant change/review of a service, policy strategy or plan

What are the potential equality impacts as a result of this report? No significant impact, positive impact or negative impact

Sustainability Impacts:

Environmental: No Impact

Social: As outlined in the report.

Economic: No Impact

**Privacy and Data
Protection impacts:** No Impact

7 Recommendations

The Committee is asked to:-

- 7.1 Note the content of this report; and
- 7.2 Consider Ordering that the Procession to be held by Partick Orange and Purple District 15 on Sunday 15 September 2019 should be prohibited in terms of section 63(1)(i) of the Civic Government (Scotland) Act 1982.