



Glasgow City Council

City Administration Committee

Report by Councillor Susan Aitken, Leader of the Council and City Convener for Inclusive Economic Growth

Contact: Mairi Millar, Ext 75509

Public Processions

Purpose of Report:

To recommend the establishment of a cross party working group to support the review of the Council's Policy and Code of Conduct on Public Processions.

Recommendations:

The City Administration Committee is asked to note the contents of this report and agree the membership of a cross party working group to provide political oversight of the review of the Policy and Code of Conduct on Public Processions.

Ward No(s):

Citywide: ✓

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

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1 Background

- 1.1 Public processions, protests and marches are fundamental rights in a democratic society which this Council continues to uphold and facilitate, recognising their importance as a form of celebration, commemoration, remembrance or as a call for action and change.
- 1.2 There were 318 processions in 2018 ranging from numerous, small but regular processions, to those that cross through the city centre with significant numbers reflecting both years of historic tradition, and the city's response to current, often world societal change, e.g PRIDE, Climate Emergency.
- 1.3 While the right to process and march is protected under Article 11 of the European Convention of Human Rights (ECHR) in relation to the right of freedom of assembly and of association, this is not an absolute right and proportionate restrictions may be placed on the exercise of these rights by law in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 1.4 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(s) it is trying to achieve. Each procession must be looked at in its own merits, with case law demonstrating that the Council has a duty to remain impartial and neutral.

2 Current Issues and Growing Community Tensions

- 2.1 Since July 2018 community tensions have escalated in relation to processions the city has historically accepted, with the events in Govan on 30 August and in the city centre on 7 September generating both disorder and a Police response on an unprecedented scale, due to substantially increased tensions, scenes of violence and disorder and the anticipated scale of counter protest.
- 2.2 Whilst Police Scotland are more than capable of managing this challenge, the level of police resources required to facilitate the holding of such processions and corresponding counter demonstrations is significant, both financially and operationally, requiring Police Scotland to draw officers from their everyday policing responsibilities across Scotland from the local communities they serve, as well as drawing on specialist assets.
- 2.3 This escalation in community tensions and the likelihood of further violence and disorder ultimately led to the Public Processions Committee taking the unprecedented step of prohibiting six processions due to take place on 14/15 September, following advice from the Chief Executive and a detailed Police Scotland report.
- 2.4 During September the Chief Executive has had several meetings and discussions with affected organisations, who have all indicated their

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commitment to work with the city to de-escalate the current tensions, accepting that the level of counter protests on all sides has significantly aggravated the situation.

- 2.5 Members will also be aware that the Chief Executive was asked to consider all options, including a moratorium on all such parades, to allow time for all stakeholders to work together to find a long term solution. On the question of a moratorium the legal advice received is that there is no current legislative basis for the Council to impose a moratorium on processions. Therefore, whilst the proposed review is ongoing and pending any changes that may be recommended or made to the Policy, Code or indeed legislation, the Council will continue to scrutinise every notification for a procession against all available information from officers and Police Scotland before determining whether it can go ahead with or without condition(s), or should be prohibited.

3 Next Steps

- 3.1 A review of the Council's Policy and Code of Conduct on Public Processions was instructed by the Wellbeing, Empowerment, Community and Citizen Engagement Policy Committee earlier this year, with a working group established to make recommendations for changes, with a particular focus on how we can improve accessibility of information available to members of the public about proposed processions and the impact they will have on their local community. This did not involve elected members.
- 3.2 Given recent events however, it is considered that a more fundamental review of the Policy and the Code of Conduct, including current and potential legislative powers, is required to look at the balancing of the rights of assembly with issues such as disruption to the community, including those living, working and visiting there, disruption to businesses, anti-social behavior, violence, public and resident safety, and cost.
- 3.3 A key issue will be the cumulative impact that the number and frequency of processions have on areas and to identify what steps can be taken, working with those related organisations, to address this
- 3.4 This extended review will build on what has been done to date and provide an opportunity for local residents to let us have their views on the impact of processions through consultation, but will also involve focus groups, interviews, workshops and other forms of direct engagement with a wide range of stakeholders, including importantly, procession organisers, community representatives, public agencies, transport providers and businesses.
- 3.5 It is expected that the findings of this review will be reported back to this Committee in early 2020 with a number of recommendations for changes to the Code of Conduct and the wider Policy and approach to processions taking place across the city.

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- 3.7 In order to provide political oversight to this review, a cross party working group will also be established, chaired by a member of the Administration. It is proposed that the working group consists of one member from each political group, with a named substitute.

4 Policy and Resource Implications

Resource Implications:

Financial: None

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: None

Procurement: None

Council Strategic Plan: **A Well Governed City that Listens and Responds:** (Priority Number 92)

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2017-22 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.

What are the potential equality impacts as a result of this report? A full equality impact assessment will be carried out as part of the review process.

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: None identified

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Social, including Article 19 opportunities:

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.

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

None identified

5 Recommendations

- 5.1 The City Administration Committee is asked to note the contents of this report and agree membership of a cross party working group to provide political oversight to the review of the Policy the Code of Conduct on Public Processions