



Glasgow City Council

Public Processions Committee

Report by Director of Governance and Solicitor to the Council

Contact: Mairi Millar Ext: 75509

Item 1 (b)

22nd August 2019

**Public Procession
Cairde Na Heireann (Calton Republicans)**

Purpose of Report:

To ask Committee to consider a notification in relation to a proposed procession to be held on Saturday 7 September 2019 by the Cairde Na Heireann (Calton Republicans) (“the Procession”).

Recommendations:

The Committee is asked to:-

1. Note the content of this report; and
2. Agree that the Procession to be held by the Cairde Na Heireann (Calton Republicans) (“the Organiser”) should proceed but to consider:
 - Amending the route for the Procession to start at Watson Street, Gallowgate, Fielden Street, Crownpoint Road, Abercromby Street, Stevenson Street, Green Street, London Road, Bain Street, Gallowgate, Moir Street London Road, Trongate, Saltmarket and dispersing at La Passionara Monument in Clyde Street; and
 - Imposing a condition that the Sean McIlvenna Republican Flute Band detailed on the Notification submitted by the Organiser is not permitted to take any part in the Procession.

Ward No(s): 9 & 10

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 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 the Cairde Na Heireann (Calton Republicans) ("the Organiser")

- 2.1 On 9 August 2019 a Public Procession Notification was submitted to Glasgow City Council ("the Council") by the Organiser. They proposed a route from Watson Street, Gallowgate, Abercromby Street, Millroad Street, Green Street, Stevenson Street, Abercromby Street, London Road, Trongate, Saltmarket and dispersing at La Passionara Monument in Clyde Street.
- 2.2 The notification indicated the reason for the Procession as 'International Brigade Commemoration'. It also indicated that there would be 100 participants, with three bands, and that the procession would take approximately 1 hour 30 minutes. The planned date for the Procession is Saturday 7 September 2019, with assembly at 1100 hours, departing at 1130 hours.

- 2.3 On 27 July 2019, a planned procession took place in the East End of Glasgow involving the Sean McIlvenna Republican Flute Band. During the procession, as it traversed along Abercromby Street, a protest convened involving a number of individuals unhappy at the procession route.
- 2.4 The protest resulted in a 90 minute delay of the procession, during which time officers from Police Scotland discussed a possible re-route with a member of the procession. However, no re-route took place and the procession completed its route as planned.

3 The Sean McIlvenna Republican Flute Band

- 3.1 Following the procession, a post on the Sean McIlvenna Republican Flute Band Facebook page was identified with wording as follows:

"Take note This band does not do rerouting.

Never has never will we are a IRA BAND NAMED AFTER A IRA VOLUNTEER. He was never re-routed he was at the forefront and we will always march in his Memory and every Irish Republican volunteers"

- 3.2 Whilst the post has since been removed from the Facebook page, it was observed by members of the public who obtained 'screen shots' and who have made complaint to both the Council and Police Scotland.
- 3.3 Police Scotland have advised that initial enquires have confirmed the post as genuine and that investigations regarding any contravention of the Terrorism Act are ongoing in this regard.

4 Comments from Police Scotland

- 4.1 Police Scotland has been consulted on the terms of the Procession notification. In response, their overall assessment is that the proposed route of this Procession is expected to substantially raise local experienced and evidenced tension. They have further advised that in recent weeks there has been a distinct and frankly troubling change in the terms and tone of commentary and rhetoric about processions going past St. Alphonsus and/or St. Mary's churches in the Calton.
- 4.2 Police Scotland has also advised that given the overt support within the post on the Sean McIlvenna Republican Flute Band Facebook page for a terrorist organisation, as proscribed by schedule 2 of the Terrorism Act 2000, the Council may wish to consider the exclusion of this particular band in the Procession in terms of the risk it could pose for public order and the significant police resources which will be required.
- 4.3 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 Given the continuing fears and tensions in the local community, as well as the likelihood of issues arising as a result of the gathering of counter protesters and supporters, and taking into account the intended police response, the Committee may consider it necessary to place proportionate restrictions on this Procession with regard to amending the proposed route so as to seek to mitigate this impact.
- 5.4 Furthermore, in light of the concerns that the Facebook post by the Sean McIlvenna Republic Flute Band has generated and the likelihood of issues arising as a result of the gathering of counter protesters and the impact that this could have on public order and/or disruption to the life of the community, as well as the intended police response, the Committee may consider it necessary to place proportionate restrictions on this Procession to seek to mitigate this impact by considering the exclusion of this particular band.

6

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 No EQIA carried out as the report does not relate to a new service, policy, strategy plan or

Council's Equality Outcomes 2017-22 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 Agree that the Procession to be held by the Cairde Na Heireann (Calton Republicans ("the Organiser")) should proceed but to consider:

- Amending the route for the Procession to start at Watson Street, Gallowgate, Fielden Street, Crownpoint Road, Abercromby Street, Stevenson Street, Green Street, London Road, Bain Street, Gallowgate, Moir Street London Road, Trongate, Saltmarket and dispersing at La Passionara Monument in Clyde Street; and
- Imposing a condition that the Sean McIlvenna Republican Flute Band detailed on the Notification submitted by the Organiser is not permitted to take any part in the Procession.

Appendix

SUBMISSION ON BEHALF OF THE CHIEF CONSTABLE OF POLICE SCOTLAND TO GLASGOW CITY COUNCIL RE CAIRDE NA HEIREANN (CALTON REPUBLICANS) PROCESSION NOTIFICATION 7TH SEPTEMBER 2019 AND INCLUSION OF SEAN MCILVENNA REPUBLICAN FLUTE BAND

On behalf of the Chief Constable I welcome the opportunity to make this submission to the Council.

I understand the Council to have determined to consider the said notifications and to have invited presentation of this submission in consequence of certain concerns having been intimated about the forthcoming processions.

The committee will be aware of a submission by the police on 15 August 2019, relative to a previous parade involving the Sean McIlvenna Republican Flute band which took place on 27 July 2019. During the parade, as it traversed Abercrombie Street, a protest convened involving a number of individuals unhappy at the parade route. The protest resulted in a 90 minute delay of the parade, during which times, a re-route was considered and discussed with a member of the parade. No re-route took place and the parade completed its route as planned and notified to the local authority.

Following the parade, a post on the band's Facebook page was identified with wording as follows:

"Take note This band does not do rerouting

Never has never will we are a IRA BAND NAMED AFTER A IRA VOLUNTEER. He was never re-routed he was at the forefront and we will always march in his Memory and every Irish Republican volunteers"

Whilst this post has since been removed from the Facebook page and a representative of the band has stated it was a post out of frustration/anger at the events that occurred on 27 July, it is nonetheless in the public domain and was observed by members of the public who obtained 'screen shots' and who have made a complaint to Police Scotland. Initial enquires confirm the post as genuine and enquiries regarding any contravention of the Terrorism Act are ongoing in this regard. It is clear that to those who observed the post, allied to the name of the band, the post was an accurate reflection of the band and the overt support for a terrorist organisation as proscribed by the Terrorism Act. Whilst this is unprecedented as regards the current parading situation in the city and whilst there are no like events to compare with, in my professional judgement, the inclusion of this band in this parade could provide for a risk to public order for which a significant policing operation would be required. The local authority may wish to consider their exclusion accordingly.

Furthermore there is a series of submissions by the police regarding parades passing places of worship, specifically St Alphonsus and St Mary's churches, since July 2018. The background to those submissions, which has not changed,

predominantly involve parading organisations from the Orange Order and Apprentice Boys of Derry, however the events of 27 July outside St Mary's clearly demonstrate that any organisation parading past these locations will attract counter protest and require a large police presence and significant policing plan in operation. The policing operation for this parade would require in excess of 200 officers, many in specialist roles, when a comparable parade last year, and prior to the events of July 2019, required a purely conventional policing operation of only 22 officers.

As expressed previously, there has, in recent weeks, been a distinct and frankly troubling change in the terms and tone of commentary and rhetoric about processions going past St. Alphonsus and/or St. Mary's churches, in the Calton. It is accepted that a difference of view about such things is, of course, nothing new but as previously submitted, the recent language has been more strident, on both sides of the argument, and positions are becoming more polarised.

It is expected that the parade on 7 September will attract a similar sized protest to that of 27 July. Recent decisions to re-route parades which would have past St Alphonsus or St Mary's churches will have further entrenched views for both supporters of, and protesters against, the parade due on 27 July. I would fully expect that a repeat of the events of 27 July is likely, or indeed worse given the emotion being directed towards the parades by both sides. Therefore, it seems clear enough to us that that is likely to have a significant and disruptive impact on the life of the local community. It would also place an excessive burden on Police Scotland as far as deploying resources necessary to mitigate the risks arising is concerned. The policing presence required for the parades would draw on specialist resources from across Scotland for what would be a relatively short deployment outside the church, when in fact a short deviation from the route as notified would mitigate such a need. For the corresponding parade last year, the policing operation was a 'conventional' one, with no specialist resources and required 22 police officers. For the parade this year, if parading on the route as notified, the policing operation will require in excess of 200 officers, many in specialist roles and drawn from across Scotland.

In terms of Section 63 (8)(a)(ii) and (iv) and/or Section 63 (8) (b), we invite the Council to impose a condition on the processions to reroute them away from the churches. We are content, with regards to the relevant ECHR provisions, that that would be lawful, necessary and proportionate.

Police Scotland continues to update the Community Impact Assessment in relation to the proposed processions and to consider its likely impact within the local community.

The overall assessment is that the proposed procession is expected to substantially raise local experienced and evidenced tension; that this rise in tension may be localised within the geographic area or, more broadly, the local communities.

Stevie Hazlett
Chief Inspector
Operations and Justice
Greater Glasgow Division

