



Glasgow City Council
Public Processions Committee

Item 1 (a)

22nd August 2019

Report by Director of Governance and Solicitor to the Council

Contact: Mairi Millar Ext: 75509

Public Procession
James Connolly Republican Flute Band

Purpose of Report:

To ask Committee to consider a notification in relation to a proposed procession to be held on Friday 30 August 2019 by the James Connolly Republican Flute Band ("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 James Connolly Republican Flute Band ("the Organiser") should proceed but to consider:
 - Amending the proposed start time for the Procession in order to comply with section 3.2 of the Council's Code of Conduct on Public Processions in relation to the timing of playing music; 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): 5

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 James Connolly Republican Flute Band ("the Organiser")

- 2.1 On 30 July 2019 a Public Procession Notification was submitted to Glasgow City Council ("the Council") by the Organiser. They proposed a route from Elder Street, Govan Road, Golspie Street, Govan Road (back through Govan Cross) Skipness Drive, Drive Road, Langlands Road, Crossloan Road and ending at Craigton Road. Discussions are ongoing with the Organiser regarding the use of Elder Park as an assembly point for the Procession.
- 2.2 The notification indicated the reason for the Procession as 'Irish Unity March'. It also indicated that there would be 300 participants, with nine bands, and that the procession would take approximately 1 hour. The planned date for the

Procession is Friday 30 August 2019, with assembly at 1900 hours, departing at 1930 hours.

- 2.3 In terms of the Council's current Code of Practice on Public Processions, section 3.2 states:-

"Processions will take place between 7.30am and 9.00pm. As a general rule no music will be played before 9.00am or later than 6.00pm. Council officers will exercise a degree of discretion to allow the playing of music out with these times on condition that it can be demonstrated by Procession Organisers, to the satisfaction of the Council, that the playing of music will not disrupt the life of the local community. This discretion will only apply to the playing of music after 6pm and no later than 8pm."

- 2.4 Given that the Procession, as proposed, is likely to last until approximately 2030 hours, Committee may wish to consider amending the start time of the Procession so as to allow for compliance with section 3.2 of the Code of Conduct in order to minimise disruption to the life of the community.

3 The Sean McIlvenna Republican Flute Band

- 3.1 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.

- 3.2 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.

- 3.3 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"

- 3.4 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.
- 3.5 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, Police Scotland has 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.
- 4.2 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 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, and taking into account the issues raised by Police Scotland as to 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.

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Resource Implications:

<i>Financial:</i>	None.
<i>Legal:</i>	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.
<i>Personnel:</i>	None.
<i>Procurement:</i>	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 Agree that the Procession to be held by the James Connolly Republican Flute Band ("the Organiser") should proceed but to consider:

- Amending the proposed start time for the Procession in order to comply with section 3.2 of the Council's Code of Conduct on Public Processions in relation to the timing of playing music; 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 JAMES CONNOLLY RFB PROCESSION NOTIFICATION 30 AUGUST 2019 AND INCLUSION OF SEAN MCILVENNA REPUBLICAN FLUTE BAND

On behalf of the Chief Constable I provide this submission to the Council for their consideration regarding the procession notification by the James Connolly RFB for a parade on 30 August to include within the parade the Sean McIlvenna Republican Flute band.

You will recall that on 27 July 2019, a planned parade took place in the East End of Glasgow involving the Sean McIlvenna Republican Flute band. 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.

**Superintendent John McBride
Specialist Operations
Greater Glasgow Division**