



**Glasgow City Council**

**Public Processions Committee**

**Report by Director of Governance and Solicitor to the Council**

**Contact: Mairi Millar Ext: 75509**

**Item 1**

**28<sup>th</sup> November 2018**

**Public Procession  
John Maclean 100**

**Purpose of Report:**

To ask Committee to consider a notification in relation to a proposed procession to be held on Monday 3 December 2018 by John Maclean 100 ("the Procession").

**Recommendations:**

The Committee is asked to:-

- 1) Note the content of this report;
- 2) Agree that the Procession to be held by John Maclean 100 ("the Organiser") should proceed on 3 December 2018, but in doing so to impose the following conditions:-
  - the Procession will assemble in Glasgow Caledonian University (subject to permission from the University), at 14:00 hours and start at 14:30 hours.
  - the route would be Cowcaddens Road, Port Dundas Road, West Nile Street, St. Vincent Street, Renfield Street, Union Street, Jamaica Street, Glasgow Bridge and disperse in Calton Place.

Ward No(s): 8, 9 & 10

Citywide:

Local member(s) advised: Yes  No

consulted: Yes  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 s.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 John MacLean 100 ("the Organiser")**

- 2.1 On 6 November 2018, a Public Procession Notification was submitted to Glasgow City Council ("the Council") by the Organiser. The proposed route leaving from Glasgow Caledonian University, West Nile Street, Nelson Mandela Place, Buchanan Street, Dixon Street, Clyde Walkway, South Portland Bridge, Calton Place, Gorbals Street and disperse in Gorbals Rose Garden.
- 2.2 The Procession Notification indicated the reason for the Procession as 'Commemoration of John Maclean's return to Glasgow'. It also indicated that there would be 500 participants and that the Procession would take approximately 40 minutes. The planned date for the Procession is Monday 3 December 2018 with assembly at 14.00 hours and departure at 14.30 hours.

### **3 Communication with the Organiser**

- 3.1 The route proposed by the Organiser for the Procession on 3 December 2018 is through a busy pedestrian area, namely Buchanan Street. To exit from the bottom of Buchanan Street into the flow of traffic would require the Procession to turn left, however the Organiser wishes to either turn right directly into the flow of traffic or, alternatively, cross the road straight into St. Enochs Square to exit at Dixon Street. This area is currently occupied by the Christmas Market. No application for roads closures have been submitted.
- 3.2 A precursory meeting was held on the 13 November 2018 which was attended by a Council Officer and the Organiser. The following alternative route was discussed with the Organiser;
- the route would start at Glasgow Caledonian University, Cowcaddens Road, Port Dundas Road, West Nile Street, St. Vincent Street, Renfield Street, Union Street, Jamaica Street, Glasgow Bridge and disperse in Calton Place.
- 3.3 The Organiser indicated that he would require to go back to his members to discuss this alternative route. The Organiser failed to contact the Council to confirm whether the alternative route was acceptable to the Organisation.
- 3.4 Several attempts were then made by the Council to contact the Organiser to confirm the position of the Organisation. An email received from the Organiser on 21 November 2018 suggested other routes but both options include pedestrian areas. A copy of the email providing the Organiser's explanation for not agreeing to the alternative route will be tabled at the Committee meeting.
- 3.5 It is the view of the Council that processions down pedestrian areas cause significant concerns in terms of the disproportionate level of disruption to the community, particularly in the city's main pedestrianised shopping area. There are also serious concerns for public safety in terms of the proposed direction of the Procession against the flow of traffic in the proposed route between Buchanan Street and Dixon Street.
- 3.6 Police Scotland, as the statutory consultee, has also made written comments in relation to the Procession (see appendix) raising concerns for public safety in terms of the proposed route.
- 3.7 As an alternative route could not be agreed, the Organiser was advised that the matter would be referred to the Public Processions Committee.

### **4 Considerations**

- 4.1 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 restrictions

on a procession, the Council must satisfy itself that these measures are proportionate and necessary. 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 and disruption to the life of the community.

- 4.2 It should be noted that the John Maclean 100 has not paraded previously in Glasgow. It is considered that there is a clear risk that if this Procession was allowed to proceed as currently proposed there would be a high likelihood of serious disruption to the life of the local community as well as serious concerns for public safety. Against this background, it is considered necessary to place proportionate restrictions on the Procession to seek to mitigate that impact.
- 4.3 Accordingly, it is recommended that consideration is given to altering the proposed route of the Procession thereby reducing the negative impact on the functioning of the city and people going about their legitimate business. Such an approach recognises the Organiser's rights of freedom of assembly but balances that against the disruption to the life of the community and concerns for public safety. Participants in the Procession will still be able to promote their cause and beliefs, maintaining the agreed assembly and dispersal points but with a change to the proposed route. It is considered that these restrictions are necessary and proportionate in order to minimise the concerns identified.
- 4.4 It is therefore recommended that the Committee considers placing conditions on the Organisers as follows:
- the Procession will assemble in Glasgow Caledonian University (subject to permission from the University), at 14:00 hours and start at 14:30 hours.
  - the route would be Cowcaddens Road, Port Dundas Road, West Nile Street, St. Vincent Street, Renfield Street, Union Street, Jamaica Street, Glasgow Bridge and disperse in Calton Place.

## **5 Policy and Resource Implications:**

*Financial:* None.

*Legal:* Legal advice has been sought.

*Personnel:* None.

*Procurement:* No Procurement Issues.

**Council Strategic Plan:** No Direct Impact.

### **Equality and Socio-Economic 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.

*Please highlight if the policy/proposal will help address socio economic disadvantage.* No significant impact, positive impact or negative impact.

### **Sustainability Impacts:**

*Environmental:* No impact.

*Social, including Article 19 opportunities:* As outlined in the report.

*Economic:* No Impact.

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

## **6 Recommendations**

The Committee is asked to:-

6.1 Note the content of this report;

6.2 Agree that the Procession to be held by John Maclean 100 ("the Organiser") should proceed on 3 December 2018, but in doing so to impose the following conditions:-

- the Procession will assemble in Glasgow Caledonian University (subject to permission from the University), at 14:00 hours and start at 14:30 hours.
- the route would be Cowcaddens Road, Port Dundas Road, West Nile Street, St. Vincent Street, Renfield Street, Union Street, Jamaica Street, Glasgow Bridge and disperse in Calton.

## Appendix

Comments from Superintendent John McBride, Police Scotland:

For the attention of Glasgow City Council Procession Committee

I have read the parade application, note the numbers of participants likely to be involved and have considered the proposed route in lieu of making the following observations on this application at this time.

From a policing perspective, I would forward the following;

1) Route and formation of the parade.

The route proposed by the organiser indicates leaving Glasgow Caledonia University at 1430hrs before heading South through the city, using a pedestrianised area (Buchanan Street) with which to reach Argyll Street. Whilst I would envisage the pedestrianised area would be expected to be busy with patrons visiting the city, commercial business and additional footfall in connection with the festive period, I believe an additional 500 persons walking in formation in this or the alternative pedestrianised area (Sauchiehall Street) does not in itself cause significant safety issues. However, the formation of that parade, and the manner with which the organiser intends on negotiating that route requires further discussion and clarity in order for me to make an appropriate assessment and therefore to determine any impact on public safety. In short, I will require full details as to what the parade formation is likely to be;

For example, if participants of the parade intend to walk two / three abreast and accept natural breaks in the parade due to roads / traffic lights across this route, I cannot foresee there would be any additional impact on public safety, for the footfall would not likely increase beyond that normally experienced on peak city business days. However, if the parade intended for example to walk 10 – 20 abreast in formation, I would consider this to impact on the general safety and free flowing crowd space for persons not participating in the march.

Whilst further dialogue on this particular point may clarify the applicant's intention and satisfy me regarding the public safety issue, I do not believe this information has been sufficiently considered by or provided by the organiser and without that detail, I am unable to make a determination in support of this element of the application at this time.

2) Parading against the flow of traffic on Argyll Street

Accepting the sentiment and purpose of this parade and the organisers' intention to re-enact as historically accurate a route as possible, I have to highlight significant concerns around a request to walk against the flow of traffic at Argyle Street. This not only raises additional safety issues for the parade, escort officers and stewards, but also presents a wider safety risk to road users as traffic diversions will not be in place. An alternative route, in keeping with the natural flow of traffic would require to be considered and agreed for this part of the parade, to sufficiently satisfy me as to the safety of all concerned.