

GLASGOW CITY COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

Public Procession by Scottish Independence Movement

on Saturday 2 November 2019

Order in Terms of Section 63 (1)

A proposed procession in public by the organisation, Scottish Independence Movement was considered by the Public Processions Committee on 24<sup>th</sup> October 2019.

The organiser had notified the Council of its intention to carry out a procession, to take place on 2<sup>nd</sup> November 2019 commencing at 11:30 between Kelvin Way and John Street, with around 500-3000 participants.

You can read the full report here.

<http://www.glasgow.gov.uk/councillorsandcommittees/submissiondocuments.asp?submissionid=95177>

After having heard

- (1) M Miller, Head of Licensing and Democratic Services, in further explanation of the report and who made representations regarding the risks to public safety, public order and disruption to the life of the local community in relation to the proposed route and time of the procession submitted by the organisation;
- (2) Superintendent M Sutherland, Police Scotland, and D Hamilton, for the Executive Director of Neighbourhoods and Sustainability; and
- (3) Mr M Singh, on behalf of Scottish Independence Movement, in support of the proposed route,

the committee agreed under Section 63(1) of the Civic Government (Scotland) Act 1982, as amended, Glasgow City Council, after consulting the Chief Constable in respect of processions, notice of which has been given or falls to be treated as having been given in accordance with Section 62(1) of the said Act, make an Order imposing conditions on the holding of a procession;

(a) that the procession proceed on Saturday, 2nd November 2019; and

(b) to impose the following conditions:-

- (i) that the Procession will assemble in Kelvin Way at 1100 hours and start at 1130 hours; and

- (ii) the outward route to be taken shall be Kelvin Way, Sauchiehall Street, Blythswood Street, Blythswood Square, West George Street, Nelson Mandela Place, West George Street, George Square, George Street and disperse in Shuttle Street.

The reasons for the imposing this condition is:

1. The Committee concluded that, on balance, if the procession were allowed to proceed as originally proposed there would be a clear risk of disruption to the life of the community. The Committee considered it necessary to place proportionate conditions on the procession to mitigate the risk.
2. The approach adopted by the Committee recognises the organiser's right of freedom of assembly and balances it against the rights of others and risks, including the risks to the participants in the procession.

In reaching this decision the Committee placed reliance on the written statement provided by Chief Inspector Hazlett of Police Scotland and the submissions made to the Committee by Superintendent Sutherland.

In particular, the Committee was concerned to note that that the Organiser has not been able to give a more accurate estimate of the number of participants in the proposed procession. The estimate provided by the Organiser to Police Scotland and the Council have varied from 3000 to 500.

The Organiser was given an opportunity to provide an accurate estimate of numbers when he attended the Committee meeting. He admitted he was unable to provide an accurate estimate. The Committee was concerned that this should be the case when the date of the procession was so near.

The Committee was also of the view that the Organiser's most recent estimate of 500 participants was not based on any real assessment on the part of the Organiser. Therefore the Committee placed no reliance on that figure.

It was the Committee's view that the number of persons taking part in the procession was likely to be significantly higher than 500. The Committee was aware that the National newspaper has arranged a rally in support of Scottish Independence. This is to take place at George Square on 2 November 2019 at 13:00 hours. It is anticipated that 3,000 to 5,000 persons will attend that rally. The Committee believed that it was reasonable to conclude that a significant number of the persons planning to attend the rally would also wish to take part in a procession in support of the same goal. Furthermore, the Committee were aware that similar processions in the recent past had attracted more than 3,000 participants.

For the above reasons the Committee concluded that any analysis of the risks associated with the procession ought to be based on the higher estimate of number of participants originally submitted by the Organiser.

The Committee noted that the Organiser did not object to the procession terminating in Shuttle Street as recommended by the Director of Governance and Solicitor to the Council in

her report to the Committee. The Organiser was opposed to the part of the recommendation which recommended that the procession should proceed but by an alternate route avoiding Renfield Street, Union Street, Argyle Street, and Queen Street. Therefore the question for the Committee was whether that part of the recommendation ought to be imposed as an Order.

The Committee were aware that Glasgow City Centre would be very busy on 2 November 2019. In addition to the event in George Square mentioned above, a semi-final football match was taking place at Hampden with 50,000 persons expected to attend. Persons attending the football match would be arriving throughout the day.

The Committee were aware that Renfield Street, Union Street, Argyle Street, and Queen Street were likely to be very busy during the day and time of the proposed procession. In addition to being streets with many shops and restaurants, these streets also form a major bus route for travel to and from Glasgow City Centre and would therefore be busy with buses and pedestrians. These streets are also routes to and from the nearby Central Station.

The Committee therefore concluded that there would be a serious risk of disruption to the life of the community if a procession of 3000 people went along Renfield Street, Union Street, Argyle Street, and Queen Street at the time and on the day proposed.

The Committee was of the view that the route recommended as a condition would mitigate the risk of disruption by taking the procession away from Renfield Street, Union Street, Argyle Street, and Queen Street.

The Committee also concluded that re-routing the procession as recommended would not be a material interference with the procession participants' right to assembly and free expression: they would still be able to process through major city centre streets in promotion of their beliefs.

The Committee therefore decided to impose the recommended condition as a proportionate and necessary means of mitigating the risks identified, including the risks to those participating in the procession.

24 October 2019