



Guidance and Procedure for the Administration of Public Procession Notifications



Business Services, Resources Directorate

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PUBLIC PROCESSIONS

Midlothian Council recognises the tradition of public processions and demonstrations and while the right to do so is protected by the Human Rights Act 1998 restrictions can be imposed. This Guidance Note has been produced to assist organisers and participants to ensure that processions take place and recognises the need to achieve a balance between the will of people to demonstrate and protest, to celebrate their history and cultural traditions or to raise awareness of issues which they regard as important whilst taking into account the right of others not taking part to go about their daily lives with minimal disruption and inconvenience.

A procession can be a parade, march, rally and involve people walking, running, driving vehicles or cycling and is not restricted to events being held on a public footpath or road. An exemption exists in relation to a funeral procession organised by a funeral director carrying out the normal course of his business.

A review of Marches and Parades in Scotland was undertaken by Sir John Orr and published in January 2005. This led to amendments to Section 62 of the Civic Government (Scotland) Act 1982 which provides for the rules governing public processions. The amendments came into force on 1 April 2007.

The guidance produced by the Scottish Government for local authorities is available at <http://www.scotland.gov.uk/Resource/Doc/159457/0043394.pdf>

Further the Process Chart referred to therein for organisers is available at <http://www.scotland.gov.uk/Resource/Doc/159457/0043395.pdf>

The Council's Guidance Note lists matters we consider important when dealing with notifications of processions. Whilst, in general each notification will be dealt with equally, each will be assessed on its own merits and take into account whether the procession will impose too high a burden on the Police, the effect that a previous procession had in relation to public safety and whether the organisers complied with guidance provided.

Notification of the intention to hold a public procession

- ❖ Organisers must provide a minimum of 28 days notice to the Council and the Police of the intention to hold a procession. This is the minimum period and organisers are encouraged to serve notice on the Council as soon as possible and not leave it until on or just before the 28th day before the event.
- ❖ A notification form is available on the Council's website - <https://midlothian.cmis.uk.com/live/CouncilandDemocracy.aspx> or one can be requested by telephoning – 0131 270 7500 and asking for Democratic Services.

- ❖ A risk assessment should also be carried out prior to the notification form being lodged with the Council. The completion of a risk assessment is designed to assist the organiser in identifying risks applicable to the event and taking steps to address these. A copy of the risk assessment form should be lodged with the notification form. It is important that the organiser retains the original risk assessment form. Again the risk assessment form is available on the Council's website - <https://midlothian.cmis.uk.com/live/CouncilandDemocracy.aspx>

Responsibilities of the organiser

- ❖ In general terms an organiser of an event during the event planning stage and prior to notifying the Council and Police of the event should consider the following areas:-
 - How the event will be managed including crowd control
 - What insurance arrangements need to be in place (Note: the Council and/or Police are not responsible for any civil or criminal liability of an organiser or persons attending a procession or event where liability arises from the holding of it)
 - How vehicles will be managed
 - Relevant health and safety issues
 - Relevant waste and hygiene issues
 - The management of risk in terms of planning for unexpected albeit possible scenarios which could arise during the course of the event
- ❖ Should co-operate with the Council and the Police from the time of submission of the notification of a procession until the procession disperses.
- ❖ Identify himself/herself to the Police Officer in Charge at the commencement of the procession.
- ❖ Ensure that in the event of the procession being cancelled, the Council and the Police are informed of this promptly and the cancellation confirmed in writing to the Council at least 48 hours before the day of the event.
- ❖ Ensure that all persons participating in the event are informed of any conditions imposed on the procession, or changes to times, routes etc
- ❖ Ensure anyone under the influence of alcohol or drugs is not allowed to participate.
- ❖ Ensure that an appropriate number of stewards, determined in consultation with the Police, are available and that they:-
 - Are properly trained in terms of event management;

- Are briefed by organisers and given guidance and instruction on their role prior to the procession;
 - Carry proof of status;
 - Co-operate with the Police;
 - Are highly visible and easily identifiable by wearing high visibility clothing;
 - Conduct themselves in a proper manner;
 - Ensure that participants comply with directions regarding their own public safety and that of members of the public;
 - Accept responsibility for the behaviour of all participants including bands and ensure general compliance with any conditions attached by the Council or instructions received from the Police;
 - Are aware that the Council may take into account any public disorder, anti-social behaviour or damage to property resulting from a procession, if notification is received in the future from the organiser for a similar event.
 - Ensure that, wherever possible, processions follow main thoroughfares;
 - Ensure that the Police are assisted in guaranteeing passage for traffic and pedestrians;
 - Ensure that the procession is split into sections in order to avoid serious dislocation of traffic and to facilitate the crossing of pedestrians who have a right of free access and passage to or through any public area;
 - Ensure that all playing of music ceases when approaching or passing places of worship while services are in progress as may be instructed by the Police;
 - Ensure all participants are dispersed as soon as the procession concludes
 - Note the terms of the Control of Pollution Act 1974 (Section 62) in relation to the use of loudspeakers (generally no use between 10 pm and 6 am);
 - Note that the terms of the Public Order Act 1986 in relation to the prohibition of the wearing of uniforms signifying association with any political organisation etc is observed.
- ❖ Depending upon the nature of the procession or event, licences, permits or certificates may be required. This could include a public entertainment licence, a licence to sell or supply alcohol, a market operator's licence, public charitable collection. Information in this regard can be obtained from the Council's Legal Service (by email - legal@midlothian.gov.uk; by telephone 0131 270 7500)

Responsibilities of participants

- Behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in areas where there has previously been public disorder around processions;
- Behave with due respect at sensitive areas such as places of worship;
- Refrain from using words or behaviour which would reasonably be perceived as being deliberately aggressive, that is threatening, abusive, homophobic, sectarian or racist;
- Obey the lawful direction of procession organisers, stewards and Police;
- Keep to the designated routes;
- Refrain from consuming alcohol or drugs prior to or during the procession;
- Disperse in good order as soon as the procession concludes

How notifications will be dealt with by the Council

Upon receipt of a notification form, we will assess whether the procession is likely to be contentious, and if so it will be designated a high risk. Otherwise, it will be designated as a low risk. Notifications received and being processed will be listed on the Council's website.

Any person or organisation can intimate concerns or observations they may wish to make relating to the proposed procession. Internally, copies of the notification form will be passed to Roads and if the procession is designated a high risk, the organiser will be requested to attend a meeting of the Safety Advisory Group. If this is not possible, due to the timescale involved, the Safety Advisory Group may request additional information from the organiser. It is the organiser's responsibility to provide such additional information and to do so within 7 days of the date of the communication sent by the Council. Should the organiser fail to provide the information requested the Council will proceed to consider the proposed procession in the absence of the information sought.

If the notification does not attract any objections or observations, the organiser will receive a letter confirming the details of the procession together with any other reasonable conditions which have to be complied with. If the procession is to be held on a public road or requires a temporary closure of a road, the letter will include a Temporary Traffic Restriction Order (TTRO) issued by Roads.

If the procession is to end in a rally or demonstration in a public area, the relevant consent letters from the owners of the land should accompany the notification form lodged.

When considering a notification of a procession the Council will take the following into account:-

- ❖ The number of processions which have taken place within the area of the proposed procession in the recent past and in light of this the potential for the procession to cause excessive disruption to residents and businesses in the area and to motorists, pedestrians and public transport users throughout the proposed route. It is presumed that processions will avoid mainly residential areas;
- ❖ The proposed timing of the procession. The presumption is that processions will take place between the hours of 9 am and 6 pm and that no music will be played out-with this period.
- ❖ Police advice regarding public safety and potential disorder and the extent to which previous processions have involved anti-social behaviour by the participants or followers;
- ❖ Any representations from residents, businesses and others whose activities are likely to be affected by the proposed procession;
- ❖ Representations from the Council's Commercial Operations (Roads)

In light of the foregoing, the Council will look at the impact of the proposed procession in it's entirely and may:-

- ❖ Make alterations to the proposed route;
- ❖ Impose conditions on the proposed procession;
- ❖ Ask for stewarding arrangements to be amended;
- ❖ Seek to prevent the proposed procession to ensure that anti-social behaviour is not promoted;

Any conditions or prohibitions imposed by the Council must be justified in relation to the specific circumstances of the procession. The likelihood of conditions or a prohibition being made will be greater were previous processions have caused public disorder or damage to property; involved anti-social behaviour or where Police instructions have not been complied with. To assist organisers when preparing for events, the following are some conditions often appended by the Council in consultation with the Police: –

- The parade will commence at the time stated in the notification form.
- An official is appointed to liaise with the Officer in Charge and who will be readily identifiable prior to the event.
- The organiser will provide sufficient, readily identifiable stewards in accordance with the advice provided by Police Scotland.

- Participants march not less than four and not more than six abreast.
- No paramilitary uniforms or insignia are worn or displayed.
- No banners or placards likely to incite a breach of the peace are to be displayed.
- No person on the parade will use a loudspeaker or similar, other than for control of participants.
- The organiser shall ensure that no more than xxx* people (including the band and marshalls) shall form the parade on its route.
- The organiser will ensure that provisions are made for regular and sufficient pedestrian passage across the parade.
- No musical instrument other than a side drum or similar will be played when passing places of worship when a ceremony or service is taking place for a distance of 50 yards before or after that location other than to retain the beat.
- The parade at all times will continue moving, and no part will stop unless for emergency purposes, on direction of or with agreement of police or at the parade route end.
- Any instruction given by the Police are immediately complied with.
- The organisers will ensure that all participants act in an orderly manner.

A list of processions held or prohibited is available to the public and can be viewed online at –

<https://midlothian.cmis.uk.com/live/Documents/PublicDocuments.aspx>

How you can appeal an Order made by the Council

You can appeal against an Order made by way of a summary application lodged at Edinburgh Sheriff Court within 14 days of the date you receive the refusal letter and Statement of Reasons.

Decisions of a Sheriff may be appealed at the Court of Session on a point of law only, within a period of 28 days.

Cancellation of a procession

If you have to cancel the procession, the organiser must advise the Council, in writing, giving at least 48 hours notice prior to the date of the proposed procession. Notifications can be sent:-

By email to – democratic.services@midlothian.gov.uk

By post to – Democratic Services, Resources Directorate, Midlothian Council,
Midlothian House, Buccleuch Street, Dalkeith, Midlothian EH22 1DN

Further information

If you require further information in relation to any aspect of this Guidance please contact the Democratic Services Team as per the above contact details or by telephone – 0131 270 7500.