

**Civic Government (Scotland) Act 1982  
Public Processions**

Report by Director, Resources

**1 Purpose of Report**

To present information concerning the organisation of public processions to enable consideration to be given to the imposition of standard and other conditions where this is seen to be appropriate.

**2 BACKGROUND**

- 2.1 There is nothing in the legislation that requires the organiser of a public procession to obtain the express permission of the Local Authority to hold the procession. All that is required of the organiser is that he gives due written notice. Notice shall be given by it being posted or delivered by hand to the main office of the Local Authority so that it arrives not later than seven days before the date when the procession is to be held. There is an expectation that Organisers will give much longer notice of pre-planned and regular processions.

The Notice shall specify the date and time when the procession is to be held, its route, the number of persons likely to take part in it, the arrangements for its control being made by the person proposing to hold it; and the name and address of that person.

The Local Authority may, after consulting the Chief Constable, make an order prohibiting the holding of the procession or imposing conditions on the holding of it. The conditions may include conditions as to the date, time and duration of the procession, as to the route to be taken by it, prohibiting its entry into any public place specified in the Order. At least two days before the date when the procession is to be held, the Local Authority must deliver to the organiser a copy of the Order and a written statement of the reasons for it.

There is no duty imposed on the Council to consult the public. However, a press release is issued. The Police, Roads Services and the Local Councillors are consulted to give them the opportunity to request that the matter be submitted to Committee for consideration. The key considerations are public safety, public order, danger of damage to property and disruption to life in the community. The Director, Resources has delegated authority to 'permit' processions where there are no objections or representations. Hitherto, such processions were permitted on the conditions shown in **Appendix 1** hereto.

- 2.2 Last year, consultation took place with the local Police after the change to Police Scotland when the conditions shown in **Appendix 2** were recommended. The approach to processions has been under review since.

Organisers have the ability to ask for Temporary Traffic Regulation Orders (TTROs) in terms of the Road Traffic (Special Events) Regulations 1994. As a cost saving measure, posting of Notices on Lamp posts / Street Furniture was adopted as the preferred method of achieving public notice. TTROs have been promoted for each of the processions since on that basis. There was a suggestion that as far as possible (a) routes be altered to provide as much off-road procession as possible; and (b) the feasibility of composite orders be explored. Also, the Police argued that Traffic Management specialists be engaged by Organisations; and a suggestion was made that Council Staff should undertake the manning of barriers to control access to routes, etc. These issues will receive further consideration.

In relation to joint working and information sharing, the Organisers of appropriate events will meet a joint consultative group of Officers, including the Police and Roads Services, to help identify matters of concern.

## **4 Report Implications**

### **4.1 Resource Implications**

Apart from the promotion of the TTROs, there are no resource implications in connection with the granting of the “permission”. Any other resource implications will relate to the physical implementation of TTROs by Order; and the physical erection of barriers, etc where necessary. Police manpower will be provided where this is considered necessary by the Police.

### **4.2 Risk Implications**

The risk implications relate to the control exercised by Police Scotland.

### **4.3 Policy Implications**

#### **Equalities**

The Human Rights of the participants (and the residents) require to be protected.

## **5 Right of Appeal**

In the event that the Council imposes conditions to prohibit a procession, the organiser has the right of appeal to the Sheriff.

He may uphold the appeal only if he considers that the Licensing Authority in arriving at their decision erred in law, based their decision on any incorrect material fact, exercised their discretion in an unreasonable manner or otherwise acted beyond their powers.

The Sheriff may uphold the appeal and remit the case with the reasons for his decision to the Local Authority for reconsideration of their decision or if he considers that there is insufficient time, vary the order or make any such order as the Local Authority were empowered to make or dismiss the appeal. The Local Authority has the right to be heard at the appeal. The Sheriff may include in his decision on an appeal under this section such order as to the expenses of the appeal as he thinks proper.

These provisions are subject to the Public Order Act 1936.

## **6 Conclusion**

The regulation of processions in public has been reviewed and authority is requested to proceed on the basis that processions will be regulated by conditions recommended by Police Scotland, as shown in **Appendix 2** where appropriate.

For those processions against which representations are received, the Committee will continue to consider these at Hearings.

## **7 Recommendation**

The Committee is recommended to approve the revised approach and conditions.

**3 February 2016**

**Contact Person:**  
**Background Papers:**  
(Scotland) Act 1982.

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## **APPENDIX 1**

### **PUBLIC PROCESSIONS - Conditions that have been imposed in the past**

- 1 The parade will commence at the exact time, xxxx hours, as stated.
- 2 An official is appointed to liaise with the Officer in Charge and who will be readily identifiable prior to the event.
- 3 The organiser will provide sufficient, readily identifiable stewards.
- 4 Participants march not less than four and not more than six abreast.
- 5 No paramilitary uniforms or insignia are worn or displayed
- 6 No banners or placards likely to incite a breach of the peace are to be displayed.
- 7 No person on the parade will use a loudspeaker or similar, other than for control of participants
- 8 The organiser shall ensure that no more than 150 people (including the band and marshals) shall form the parade on its route.
- 9 The organiser will ensure that provisions are made for regular and sufficient pedestrian passage across the parade
- 10 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.
- 11 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.
- 12 Any instruction given by the Police are immediately complied with.
- 13 The organisers will ensure that all participants act in an orderly manner.

## **APPENDIX 2**

### **Conditions recommended by Police**

1. An Official, readily identifiable, is appointed to liaise with the Officer in charge of the Police operation at the event.
2. The parade commences promptly, at the time stated and finishes at the time stated.
3. The route is as stated.
4. The number of participants does not exceed that stated.
5. Sufficient stewards are available to marshal participants and bands before, during and at the dispersal of the parade.
6. The participants march no less than 4 and no more than 6 abreast.
7. The Organiser will ensure that sufficient toilet facilities are available.
8. The Organiser will make all band members aware that no drinking in public will be permitted.
9. No paramilitary uniforms or insignia are to be worn which may be in contravention of the Terrorism Act, 2000.
10. No banners or similar placards likely to incite a Breach of the Peace will be displayed or which may be in contravention of the Terrorism Act 2000 are to be displayed.
11. No person in the parade will use a megaphone or similar instrument, other than for the control of participants.
12. The Organiser will ensure that provision is made to allow sufficient and regular pedestrian passage through the parade.
13. No musical instrument other than a snare drum or similar for keeping the beat, should be sounded or played when passing any designated place of public worship being used at the time, for the purposes of a religious ceremony of any kind, or for a distance of 50 metres before and after that location.
14. Any instructions required to be given by the Police are immediately complied with.
15. The parade at all times will continue moving and no part will stop unless for emergency purposes, on direction of or with agreement of the Police or at the parade route end. In the event of any emergency vehicle requiring to enter the parade route at any time during the event, the parade will be stopped and participants moved to the left side of any road. Police and stewards will concentrate on keeping the right side of any road clear of pedestrians, maintaining a clearway until instructed otherwise by Event Control and/or the Silver Commander.

16. Stewards must wear high visibility reflective jackets or vests and, if the event will take place during the hours of darkness, carry functioning battery-powered torches.
17. The names of all the participating bands and the named responsible person for each band together with contact details of that person are to be given to the Police for security checks at least seven days before the event. Only bands, which clear the Police security check, can participate in the parade.

**Police Scotland will not, as a general rule, provide any resources to assist in the traffic management or movement of the parade. They may, operational requirements permitting, give attention to the parade to ensure that the applicant/organiser complies with their statutory responsibilities.**