

**Civic Government (Scotland) Act 1982  
Proposed Public Procession – Bonnyrigg – Saturday 28 June 2014**

Report by Director, Resources

**1 Purpose of Report**

To present information concerning a proposal by the Midlothian District Lodge of the Loyal Orange Order to organise two public processions in Bonnyrigg on Saturday 28 June 2014.

**2 BACKGROUND**

Mr B Parrott, 13 Marionville Drive, Edinburgh has given written notice , (a copy of letter dated 12 April 2014, is shown in **Appendix 1** hereto) that the Midlothian District Lodge No 52 propose to hold a morning and evening parade in Bonnyrigg on Saturday, 28 June 2014 comprising a procession of approximately one hundred members and a flute band of forty musicians. The proposals are that participants should assemble in the Waverley Drive at 9.00am and proceed at 9.15am to King George V Park where a wreath laying ceremony will take place (and depart thereafter for another engagement in Bathgate; and on their return, at 4.30pm, from Sherwood Industrial Estate at 4.45pm, to Dobbie's Road, all as described below.

Morning - March off Southwards in Waverley Drive turning Right into Waverly Crescent, turning Right towards Lothian Street, turning left onto Lothian Street, carrying Straight onto Polton Street, turning Right onto Eskdale Drive, following Eskdale Drive to Polton Road, turning Right onto Polton Road, turning Right onto Dobbie's Road, turning left into King George's Park, where a wreath laying ceremony will take place.

The participants will return to Dobbie's Road where they will board buses en route to Bathgate.

Afternoon at 16.30 hrs Buses return from Bathgate to Sherwood Industrial Estate and alight there. At 16.45 hrs March off turning Right into Dundas Street, carrying Straight onto High Street, turning Left into Park Road, turning Left into Dobbie's Road. The parade will stop and disperse at the rear of The Chase public house, where a small harmony will be held for those remaining. Those not attending the harmony will be instructed to disperse quietly and leave the area as soon practicable.

**3 Objections**

- 3.1 Representation has been made by a couple in Bonnyrigg who ask that their name and contact details be not divulged. They object on the grounds of noise, disturbance, etc and the resource implications of the Police presence.

In the circumstances, a copy of the letter has been sent to the Organiser with the contact information redacted. A copy of the Letter is attached to this report as **Appendix 2**.

The Police, Roads Services and the Local Councillors have been consulted and replies are awaited from most. Local Councillors are consulted to give them the opportunity to request that the matter be submitted to Committee for consideration. Roads Services have no comment to make. The Director, Resources has delegated authority to 'permit' processions where there are no objections or representations. Normally such processions are permitted on the conditions shown in **Appendix 3** hereto.

### **3.2 PROCEDURE**

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.

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 was issued.

## **4 Report Implications**

### **4.1 Resource Implications**

There are no resource implications falling directly on the Council. Any resource implications will relate to Police manpower.

### **4.2 Risk Implications**

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

#### **4.3 Policy Implications**

##### **Equalities**

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

#### **5 Hearing**

In the interests of natural justice, it is considered best that the 'applicant', the objector and the Police be heard by the Committee.

#### **6 Right of Appeal**

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 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.

#### **7 Conclusion**

Concerns may be expressed by members of the public. At least in the relatively recent past, the Police have not objected to such processions taking place in Bonnyrigg. Roads Services have no comments to make.

#### **8 Recommendation**

The Committee is recommended to note the terms of the report and considering the proposal.

**2 May 2014**

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

**R G Attack      Tel No: 0131 271 3161**  
**File CG 10.1 (RGA) Civic Government**





APPENDIX 1  
LETTER FROM ORGANISER

**Midlothian District Loyal Orange Lodge No 52**  
**Birkenside Pavilion Gorebridge**

District Secretary Bro Brian Parrott  
13 Marionville Drive  
Edinburgh  
EH7 6BH  
Email: [brianparrott@virginmedia.com](mailto:brianparrott@virginmedia.com)  
Mobile: 07729 790 151

The Chief Executive  
Midlothian Council  
Midlothian House  
Buccleuch Street  
Dalkeith  
EH22 1DN

MIDLOTHIAN COUNCIL CHIEF EXECUTIVE	
RECEIVED	15 APR 2014
REFERRED	Bob Atack

12<sup>th</sup> April 2014

Dear Sir,

I have been instructed by the above named Orange Lodge and District, to inform you in terms of section 62(1) of the Civic Government (Scotland) Act 1982, of our intention to organise and hold a morning and evening parade in the Midlothian town of Bonnyrigg on Saturday, 28<sup>th</sup> June 2014. Both parades will last approximately 1 hour in duration.

We anticipate that we will have 100 participants on both occasions, being accompanied by a flute band consisting of approximately 40 musicians.

I enclose a copy of the times and planned routes for this occasion.

The Chief Executive of Midlothian Council has also been informed of our intentions to hold the parades, and has also been given routes pertaining to each parade

Yours sincerely



Brian Parrott  
District Secretary  
LOL 52



### **APPENDIX 3**

#### **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.