

EAST AYRSHIRE COUNCIL

**LOCAL GOVERNMENT LICENSING PANEL
13 MARCH 2008**

NOTIFICATION OF INTENTION TO HOLD A PUBLIC PROCESSION

Report by Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To invite the Panel to consider a notification of intention to hold a Public Procession.

2. BACKGROUND

- 2.1 A notification of intention to hold a public procession, signed and received on 15 January, has been received from Alasdair Knapp, 94 Castlevue Avenue, Galston.
- 2.2 The notification is in respect of a proposed procession by Galston Campsie Club on Saturday, 15 March 2008, commencing at 10am. The organisation will be accompanied by the Stewarton Spirit Flute Band and the Abbey Star Band.
- 2.3 It is the intention to assemble in Chapel Lane, Galston, and process through various streets in Galston, all as detailed in the notification.
- 2.4 Following receipt of the notification, the organiser submitted an undated letter, received on 8 February 2008, changing the start time of the procession from 10am to 4pm. A copy of this letter was forwarded to the Divisional Commander, Strathclyde Police for comment.

3. DISCUSSION

- 3.1 The Divisional Commander, Strathclyde Police, on behalf of the Chief Constable, has submitted a report dated 4th March 2008. (Copy attached at Appendix 1)
- 3.2 A letter of representation dated 22 January 2008 has been received from Galston Community Council. (Copy attached at Appendix 2)
- 3.3 A letter of representation dated 8 February 2008 has been received from Mrs. Rosemary Fraser, , Galston. (Copy attached at Appendix 3)
- 3.4 A letter of representation dated 21 February 2008 has been received from Councillor Stuart Finlayson, on behalf of his constituents. (Copy attached at Appendix 4)

3.5 Copies of the letters of representation have been forwarded to the organiser to allow him the opportunity to respond in writing. To date no such written response has been received but, should this be forthcoming prior to the meeting of the Panel, such response will be tabled at the meeting.

3.6 The organiser of the Public Procession, the Secretary of Galston Community Council, Mrs. Rosemary Fraser, Councillor Stuart Finlayson and Strathclyde Police have been invited to attend this meeting and be heard by the Panel.

4. FINANCIAL IMPLICATIONS

4.1 Nil.

5. LEGAL IMPLICATIONS

5.1 In terms of Section 63 of the Civic Government (Scotland) Act 1982, the Council may, after consulting the Chief Constable in respect of a procession notice of which has been given in terms of Section 62(1) of the Act, make an order prohibiting the holding of the procession or imposing conditions on the holding of it.

5.2 There is no statutory requirement for a licensing authority to hold a formal hearing in respect of such matters but, in accordance with previous practice, the applicant has been advised that the application will be considered by the Licensing Panel and has further been invited to attend the meeting to speak in support of the application, respond to the representations received, provide any further information or clarification which may be required and provide any undertakings which the Panel may require.

5.3 In terms of Section 64 of the Act, an appeal to the Sheriff shall lie at the instance of the person who, in accordance with Section 62 of the Act, has given notice of a proposal to hold a procession in public against an order made under Section 63(1) of the Act in relation to the procession.

5.4 Any appeal under Section 64 of the Act shall be made by way of a summary application and lodged with the Sheriff Clerk within 14 days from the date on which the copy of the Order and statement of reasons were received by the appellant.

6. POLICY IMPLICATIONS

6.1 Nil.

7. CONCLUSIONS

- 7.1 A notification of intention to hold a public procession, signed and received on 15 January, has been received from Alasdair Knapp, 94 Castlevue Avenue, Galston, on behalf of Galston Campsie Club.
- 7.2 The notification is in respect of a proposed procession by Galston Campsie Club on Saturday, 15 March 2008, commencing at 10am. The organisation will be accompanied by the Stewarton Spirit Flute Band and the Abbey Star Band.
- 7.3 The Panel may consider the letters of representation dated 22 January 2008, 8 February 2008, 21 February 2008, the Report from the Divisional Commander, Strathclyde Police and information provided during the course of the meeting, in reaching a decision.

8. RECOMMENDATIONS

- 8.1 It is recommended that the Panel consider the notification of intention to hold a public procession, the report from the Divisional Commander Strathclyde Police and the letters of representations received, by way of a Hearing.

Elizabeth Morton
Executive Director Corporate Support

27 February 2007

EM/GS

LIST OF BACKGROUND PAPERS

1. Notification of intention to hold a public procession signed and received on 15 January 2008.
2. Undated letter from Alasdair Knapp, on behalf of the organisation, changing the time of the procession from 10am to 4pm.

Any person wishing to inspect any of the background papers listed above should telephone 01563 576161 and ask for Mr David Mitchell, Head of Legal, Procurement and Regulatory Services or e-mail david.mitchell@east-ayrshire.gov.uk

APPENDIX I



STRATHCLYDE
POLICE

CHIEF CONSTABLE
Stephen House QPM

George Scott
East Ayrshire Council
Civic Government Licensing
14 London Road
Kilmarnock
KA3 7AF

Ayrshire Division HQ
10 St. Marnock Street
Kilmarnock
KA1 1TJ

Tel. No. 01563 505138
Fax No. 01563 505016

4 March 2008

Dear Mr Scott

**GALSTON CAMPSIE CLUB
PROPOSED PROCESSION ON SATURDAY 15 MARCH 2008**

I refer to an application from the above named organisation seeking approval for a Parade and enclose for your information a copy of the Police report.

In the event that permission is withheld, I would be grateful if you would advise the applicant accordingly.

Notification to myself would also be appreciated.

Yours faithfully

Lorna Young
Administrative Assistant
Operations Planning Department
Kilmarnock



INVESTOR IN PEOPLE

Working Together - Building Safer Communities

www.strathclyde.police.uk

STRATHCLYDE POLICE

Division: U

Station: GALSTON

5:16:2

STREET PROCESSION

If the procession route enters other divisions, their Divisional Commanders must be consulted prior to the submission of this report and copies of it should be forwarded to them. If the application is in writing the original correspondence must accompany the report.

Division: U

Station: Galston

Date: 15.02.2008

Day & date of Procession	Time outwards	Time inwards	Estimated number of persons in procession
Sat 15.03.2008	10 1000 hrs	N/A	200

Name of band or association making application:-
Galston Campsie Club

Applicant's name, address and telephone number:-

Alasdair Knapp, d.o.b. 10.02.1968, 94 Castleview Avenue, Galston, KA4 8JW
Tel: 07732497599

Route outwards:- (including special features of note i.e. places of worship/ roadworks/ public houses etc.)

Assemble ~~1530~~¹⁰⁰⁰ hrs Chapel Lane, 1000 hrs march off right into Orchard Street, right into Titchfield Street, continue on Cross Street, left into Bridge Street, continue through traffic lights on Henrietta Street, right into Blair Street, right into Duke Street and stop at War Memorial to lay wreath ---- from Duke Street, right into Station Road, left into Wallace Street, continue on Barr Street, right into Glebe Road, left into Brewland Street, continue on Ayr Road, right into Barward Road, right into Catherine Drive, right into Milrig Crescent, left into Portland Road, continue on Park Road, right into Milton Road, right into Orchard Street, left into Chapel Lane and disperse.

Route inwards:-

N/A

Names of accompanying bands or bodies:-

Stewarton Spirit Flute Band
Kilwinning Abbey Star Band

Additional information: Is the organisation currently exempted in the terms of FPM C14
NO

If not, has the applicant been advised of the legal requirement to obtain the permission of the Local Authority to hold the parade? YES

Date Roads Department consulted:- YES
(Any work proposed?) NO

If yes, detail

No work proposed by EAC, however RJ McLeod contractors for the Galston Flood Prevention Scheme will be active in Bridge Street during March and April. I have been assured that no road closure will result, and no action by the company will restrict vehicular or pedestrian activity anywhere on the proposed route.

Reason for holding Procession/Historical Background

Explain reason: (e.g. - Annual/First application/Event/Anniversary etc.)

The applicants are a branch of the Orange Lodge, formed in 2006 under the name of Galston Campsie Club Apprentice boys of Derry, when they were granted permission to have their inaugural parade on Saturday 11 March over the same route. There was a significant amount of local opposition to said march, however there were no grounds for objection, since the applicants had no previous history.

The problems associated with this march, which were documented at the time, were addressed by the organisers the following year, although a successful objection by the police forced them to change the timing of the parade.

To address that problem this year, the proposed route has been changed. This should ease traffic congestion, and avoid a previous flashpoint.

Furthermore, following problems at the Galston Community Centre last year, the plans are to bus processionists straight to the assembly point, complete the march, and leave immediately by bus again. This should give a total duration of less than one and a half hours, with no opportunity to consume alcohol.

The applicant organisation has booked Hurlford Community Centre for a function in the evening.

This year, there is once again strong opposition to the march from local residents, who have lodged an objection. Incidents before, during and after the event have been collated, but most cannot be attributed to the event or participants.

Signature: J. Stevenson U570 Rank:..... Sgt

Sub Divisional Officer
(Comments/observations)

There is local opposition to this march. On reviewing the situation in 2007 it can be seen that the parade itself passed without incident. This is likely to be due to the 10 am start time as opposed to the 2006 march which commenced at 1600 hours and was very problematic. I have contacted the applicant Mr Knapp and outlined my concerns to him. He has agreed to hold the parade at 10 am. On the basis of this reviewed start time I have no grounds to object to the parade.

Signature: *[Handwritten Signature]* Rank: *3/3/08*

Chief Superintendent
(Comments)

NOTE & AGREE AS ABOVE.

Signature: *[Handwritten Signature]* Rank: *CH-SPT.*
4/3/08.

The Assistant Chief Constable (Operations)
Transmitted:

APPENDIX 2

Galston Community Council

Chair : Mrs M. Dykes

Vice Chair: Mr W Pattieson

RECEIVED

24 JAN 2008

Secretary Treasurer
Campbell McClelland

Galston, Ayrshire KA4 8DQ

22 January 2008
Department of Corporate Support Civic Government Licensing
14 London Road
Kilmarnock
Mr George Scott
Licensing Officer .
Dear Sir,

On behalf of Galston Community Council I have been asked to submit an Objection to : Galston Campsie Club holding a parade in the Town of Galston on 15 March 2008.

The reasons for our objections are . This Club held a parade on 17 March 2007 under the name of Galston Campsie Apprentice Boys of Derry.

This parade caused very dormant feelings to be resurrected in that various properties in the town were spray painted with religious hatred graffiti. I have lived in Galston since 1953 and don't remember this type of graffiti before ,

We as a council do not see Galston as the perfect town by any means but we have enough to contend with without this kind of religious hatred .

Galston is a community where all the churches get on well together .It is only a year or two since St Sophia's Church in Galston used the old parish church halls while their roof was being repaired.

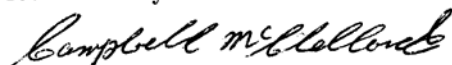
This is the kind of community spirit that exists in Galston . No bigotry or hatred of religions .

On this application it states the reason is to hold an anniversary parade and lay a wreath at the war memorial.

According to the internet this memorial is for something that happened in IRELAND in 1688. We hold a remembrance parade and service on remembrance Sunday when every organisation has the opportunity to march to the War memorial and lay a wreath . Why should they be any different from anyone else.?

I have attached a page from the internet Apprentice Boys of Derry . I Have highlighted item 1 and item 3 the ref to Frankie W. in item 1 and again in 3 the message is self explanatory he is out to make or incite trouble.

Yours sincerely



Campbell McClelland
Secretary.

apprentice boys of derry <apprentice-boys-of-d>

Advertisement

Post a Comment
More >>>



Frankie W
Galston Campsie ABOD

Report Spam 1 week ago



The Ulster First Flute Band
hi there to al r friends in LONDONDERRY from the south belfast sandy row ulster first flute band add us on bebo lads and ladys and we hope to be going to a few comp's down there this year so u wil get a chance to c r band out on the street

U,F,F,B, SANDY ROW

Report Spam 1 week ago



Frankie W
just to let yous know, there is an IRA parade in glasgow on the 26th of jan 2008, there is a protest planned for it. Be at GEORGE SQUARE, GLASGOW, JAN 26TH 12PM.

<http://img139.imageshack.us/img139/7...>

Report Spam 1 week ago



Tait
dis is really creepy!
In 1997 a girl called lauren was walking in a forest and then she just dissapeared no one ever found her untill 2000 when a young girl called Mary found her body and markings on her chest saying: I wasnt pretty enough" and now you have read this she will appear in your mirror saying your not pretty enough and kill you. by the way the girl called mary</3 died shortly after. To be saved paste this to 5 other bands. THIS IS TRUE Now yuv started readin dis dunt stop. This is so scary. Send this to 5 ova bands in 143 Minutes. When ur done press F6 and ur crushes name will appear on the screen in big letters. This is scary cause it actually works

Report Spam 3 weeks ago



Int It Ure Luky Dayamsingo
its 1690 dafty

Report Spam 7 weeks ago

Ads by Yahoo!
choose ads



Davie'Watson Uvf
was it 1688 we won the boyne ?

Report Spam 7 weeks ago



Ryan
u.v.f aw da fukin way! fuk da i.r.a dirty scum

Report Spam 9 weeks ago

**“LOYALISTS”
YOUR COMMUNITY NEEDS YOU**



**12pm
GEORGE SQUARE GLASGOW
SATURDAY 26TH JANUARY 2008**



- All
- Video
- Friends
- Applications
- Photos
- White Board
- Blog

Frankie W <FrankieW94>

"We havent got a name, though some call us Casuals."



[View my profile](#)
[Add to friends](#)
[Send a message](#)
[Add to favorites](#)
[Add to blacklist](#)

I'm a male, 21 years old, single, and I live in sunny Irvine, CA. I'm looking for a girl who is fun, sexy, and has a good sense of humor.

I've been in the military for 10 years and I've traveled all over the world. I've met some really nice people and I've had some really good experiences.

I'm a really nice guy and I'm looking for a girl who is fun, sexy, and has a good sense of humor. I'm not looking for a serious relationship, just a good time.

Interests

Music

Video Games



Hometown: sunny Irvine, CA
Country: USA

Favorite Music: Rock, Rap, Pop
Favorite Video Games: Halo, Call of Duty

Favorite Movies

Favorite TV Shows

Favorite Bands

Favorite Artists

Favorite Foods

Favorite Sports

Favorite Hobbies

Favorite Colors

Favorite Scent

Favorite Perfume

Favorite Fragrance

Favorite Cologne

Favorite Soap

Favorite Lotion

Favorite Cream

Favorite Oil

Favorite Butter

Favorite Jelly

Favorite Jam

Favorite Spread

Favorite Dip

Favorite Sauce

Favorite Dressing

I'm a really nice guy and I'm looking for a girl who is fun, sexy, and has a good sense of humor. I'm not looking for a serious relationship, just a good time.

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Favorite Lotion

Favorite Cream

Favorite Oil

Favorite Butter

Favorite Jelly

Favorite Jam

Favorite Spread

Favorite Dip

Favorite Sauce

Favorite Dressing

APPENDIX 3

Galston
Ayrshire
KA4 8DS

RECEIVED

Mr George Scott
Licensing Officer
14 London Road
Kilmarnock
KA3 6EF

08 February 2008

Dear Mr Scott,

I would like to strongly object to the proposed march which is planned for the town of Galston on Saturday 15th March 2008 at 10.00am by the Galston Campsie Club.

Yours sincerely



Mrs ROSEMARY FRASER

Councillor Stuart Finlayson, Labour
Direct Dial: (01563) 576540 Fax (01563) 576275
E-mail: stuart.finlayson@east-ayrshire.gov.uk

Council Headquarters
London Road
KILMARNOCK
KA3 7BU
Tel: (01563) 576000

APPENDIX 4



RECEIVED
21 FEB 2008

East Ayrshire
COUNCIL

SF/CW

21 February 2008

Mr George Scott
Licensing Officer
14 London Road
KILMARNOCK
KA3 7EF

Dear Mr Scott,

I understand that an application by Galston Campsie Club to hold a procession on 15th March is due to be considered at a meeting of the Local Government Licensing Panel on the 13th March 2008.

A large number of my constituents have approached me to express concerns regarding this parade. None has indicated support for the event. The main concerns raised with me are as follows:

Galston, if the last 2 years are discounted, does not have a tradition of sectarian parades. Such processions can only cause divisions within our community where none previously existed.

There was an expectation that the Orr Report would give communities a greater say in the type of processions which could take place within their locality. Disappointingly, it would appear that in reality, all that has changed is a requirement for 28 days notice of the procession as distinct from the former 7 days.

On the question of policing it is accepted that the police probably will be able to deal with the policing of the parade itself but how confident can we be so far as the aftermath in the public houses and clubs later in the day. Many residents who normally enjoy a social outing on Saturday evenings in the town have informed me that they will not be venturing out on that evening. At the event last year, for example, a number of buildings were daubed with offensive sectarian slogans and at least one assault in a public house was directly related to the parade earlier in the day.

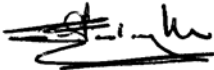
In relation to the route the majority of those opposing the march have indicated that they are particularly offended by the proposal, once again, to lay a wreath at the War Memorial in Duke Street.

This Memorial was raised to commemorate the sacrifice of local people in the 1st and 2nd World Wars. A remembrance service is held each year in November when all sections of our community have the opportunity to show their respect. Wreath Laying by a sectarian group to recognise an entirely separate event causes particular offence.

However, perhaps, the greatest fear we have, as a community if this parade is allowed to go ahead is that the close community spirit, whereby as examples, the main churches working ever closer together, St Sophia's Concert Party entertaining us at every type of function in the town, and the Barr Castle Social Club supporting voluntary organisations and charitable appeals from all sections of our society could in some way be riven by sectarian problems as besets other towns where such parades have a historical connection.

It has been made clear to me that the vast majority of residents of this community do not wish this parade and would therefore request that due consideration be given to the foregoing comments at the next meeting of the Licensing Panel.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stuart Finlayson', with a horizontal line drawn underneath it.

Councillor Stuart Finlayson

Alasdair Knapp
94 Castleview Avenue
Galston
KA4 8JW

AGENDA ITEM

ADDITIONAL
APPENDIX

RECEIVED

10 MAR 2008

07th March 2008

Dear Sir

In reply to your letter of 22nd February 2008, regarding correspondence of representation / objection to Galston Campsie Clubs proposed parade on Saturday 15th March 2008, submitted to you by Councillor Stuart Finlayson.

I will, if I may, take each part of his objection singly in bullet points, adding my own comments underneath.

- Councillor Finlayson wrote "Galston, if the last 2 years are discounted, does not have a tradition of sectarian parades. Such processions can only cause divisions within our community where none previously existed".

My Reply: Firstly I would point out that the Apprentice Boys Of Derry are not sectarian. We are first and foremost a Historical Association, and our Club was formed to commemorate the Siege of Derry, which was and still is the longest siege in British Military History, lasting 105 days. Indeed the siege was the catalyst for the Glorious Revolution and the Bill of Rights, both of which secured Civil and Religious Liberty for one and all, of which helped make this great country of ours, the democracy it is. Although parades may not have been so prevalent in recent years I remember a few Apprentice Boys parades in the late 80s and early 90s. The town in fact at one time supported one of the first Orange Lodges in Ayrshire. I therefore would suggest that parades in Galston are not exactly a new thing.

- Councillor Finlayson wrote "On the question of policing it is accepted that the police probably will be able to deal with the policing of the parade itself but how confident can we be so far as the aftermath in the public houses and clubs later in the day. Many residents who normally enjoy a social outing on Saturday evenings in town have informed me that they will not be venturing out on that evening. At the event last year, for example, a number of buildings were daubed with offensive sectarian slogans and at least one assault in a public house was directly related to the parade earlier in the day".

My Reply: How on earth can our Club be held responsible for people not venturing out for a social evening. The parade (at Strathclyde Police's insistence) will now be at 10am as it was LAST YEAR. There will be at least an 8 to 9 hour gap from when the parade ends, to when people can be expected to go out for a "social evening" This thought I would suggest is simply preposterous.

Last year the "offensive sectarian slogans" Councillor Finlayson speaks of were in fact directed at our Club. Things like Orange Bastards, ira this that and the other, (I'm sure you're now getting the picture) were the order of the day. I therefore have to ask, who the real Bigots of the part are???? **Going by Mr Finlayson's words I can only assume that these are the very residents that he is in the process of complaining on behalf of.** I would point out that our Branch Club offered to make good the graffiti that was on the Community Centre wall. Our offer was subsequently refused by the Community Centre Committee.

Mr Finlayson then goes on to speak about an alleged assault that took place in a Public House, that has been directly related to the parade. This is quite some assumption. I would have to ask that if an assault took place at all, was it reported to the Police?? Were there any charges brought regarding the said assault?? Indeed even if there were any charges brought, I would still find it difficult to attribute it to the fact that we had a Parade earlier in the day. It would appear that Councillor Finlayson is now

reporting nothing more than hearsay, and as such I would challenge him to supply proof of what he is alleging.

- Councillor Finlayson wrote "In relation to the route the majority of those opposing the march have indicated that they are particularly offended by the proposal, once again, to lay a wreath at the War Memorial in Duke Street. This Memorial was raised to commemorate the sacrifice of local people in the 1st and 2nd World Wars. A remembrance service is held each year each year in November when all sections of our community have the opportunity to show their respect. Wreath laying by a sectarian group to recognise an entirely separate event causes particular offence."

My reply: This paragraph very nearly renders me speechless. Who or what does the Councillor think we could be leaving a wreath for? Other than in commemoration of the Brave Soldiers from Galston who lost their lives in both World Wars. We hold all our Armed Forces in the highest esteem and take great exception to the allegation that we think otherwise. Further to that. Who exactly made the law that respect for our War Dead can only be made in November? We realise that the Annual Remembrance day is on November 11th. Surely however the councillor can't be trying to dictate when we can or can't pay our respect. We are after all supposed to be living in a democracy, where surely respect is a 365 days a year thing.

Further to the above are we really expected to believe that people who go around the town spray painting support for the ira, are actually up in arms about us paying our own small tribute the British War Dead of Galston. On second thoughts, that's probably exactly why they are objecting. We all know what the ira think of our Armed Forces.....Dont we?

As for being a "sectarian group" I would direct you to my first reply above.

- Councillor Finlayson wrote "It has been made clear to me that the vast majority of this community do not wish this parade and would therefore request that due consideration be given to the foregoing comments at the next meeting of the licensing panel".

My reply: I would have thought that if the vast majority of the community were really as upset by the thought of our parade, as the councillor suggests, then there would have been a lot more than 3 letters of objection submitted for your committees consideration.

I will now go onto my own thought on the matter.

Having now read the letters of complaint. The first and last letters are very similar in content, and as such I would have to come to the conclusion that this is a concerted effort on behalf of the Community Council to have our parade banned. There is not one shred of evidence supplied to enforce what has been said. In fact on our last two parades the amount of people standing at their front doors, windows and in their gardens, who were actually applauding as we went passed, would actually disprove what has been alleged by Councillor Finlayson.

I would at this juncture also point out that Under Article 11 of the European Convention of Human Rights. This letter from the councillor actually constitutes that our Democratic and Human Rights to peaceful assembly are actually being violated. In fact what Councillor Finlayson is suggesting actually contravenes the said act.

I would point out further that Councillor Finlayson was presumably democratically elected to represent the whole community in his ward. We as members of Galston Campsie Club are also members of the community, whither the councillor likes it or not, and as such we are also due his representation, of which we most certainly, Are Not Getting.

He has chosen to represent for whatever reason the people who seek to deny us our Democratic and Human Rights. In doing so I would suggest that he is actually presenting himself as being undemocratic in every way. I however don't know where we stand legally with this, I will though be making it my business to find out, at my very earliest convenience.

As our Democratic and Human Right to Peaceful assembly are now obviously being breached, I would point you to three cases that have in the past been presented to the Sheriff Courts, in appeals, against decisions made by Strathclyde Police and Councils alike. I have highlighted the parts I believe to be of most relevance to your committee.

Under the Appeals I have added **The European Convention as it applies to marches and parades**, again highlighting the parts I believe to be of most relevance.

Sheriff Judgements about processions in Scotland

5.14 Sheriff courts in Scotland have also considered appeals against authorities' decisions to restrict Article 11 rights and prohibit processions.

5.15 In Aberdeen Bon-Accord Loyal Orange Lodge 701 v Aberdeen City Council (September 2001) the court was of the opinion that the council's reasons for its decision were not made out and an outright ban was disproportionate. The Sheriff stated that: 'This right [under Article 11] is not restricted to those whose views accord with the majority. It is the essence of a civilised democratic society that many points of view may be expressed in public.' The Sheriff went on to indicate that the right to public assembly may be restricted in certain circumstances but that it was for the public authority to show that it was necessary to curtail that basic right before any such restriction would be upheld. The action proposed needed to be proportionate to the risks which might arise and provide a reasonable response to the perceived risk. The Sheriff considered that 'a complete prohibition requires much more than a concern that the procession might promote religious intolerance and might interfere with the rights of other citizens to go about their business freely and lawfully'... It is the right of individuals and groups in a civilised society to express their views as long as neither their words nor their actions contravene the law. Tolerance is what is required in a democratic society and that includes toleration of views or sentiments which may not coincide with one's own.'

5.16 In the case of the County Grand Lodge of Ayrshire, Renfrewshire and Argyll v Argyll and Bute Council it was noted that while Strathclyde police had commented that the procession may well arouse latent emotional tendencies resulting in disorder, the Sheriff stated that 'it seems quite clear that... there is a right for individuals and groups to express their views as long as neither their words nor their actions contravene the law and a mere concern that a procession might promote religious intolerance and might interfere with the rights of other citizens to go about their business freely and lawfully is not sufficient to justify a prohibition'.

5.17 Another recent case of relevance was the Wishart Arch Defenders Loyal Orange Lodge 404 v Angus Council (April 2001) where the Sheriff found that the authority's statement of reasons did not justify a restriction of Article 11 rights. The Sheriff did not consider that the Council's case had foundation in fact. He was concerned by the lack of specificity about how the proposed procession would interfere with the rights and freedoms of others and how those rights might suffer as a result of the procession. The Sheriff warned against making decisions based on 'emotion or personal feeling'. He accepted that it was appropriate to take into account local knowledge of a local area but noted that it was necessary to explain the basis of decisions taken based on that local knowledge and that the Council needed to demonstrate the foundation of their decisions including their understanding of public perception.

The European Convention as it applies to marches and parades

5.5 In the context of marches and parades, Article 11 concerning the freedom of peaceful assembly is key. The text of Article 11 provides that:

ARTICLE 11 - 'Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests;

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interest of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration by the State.'

5.6 Many aspects of the provisions of Article 11 of the Convention have, of course, been considered in detail in cases brought to the European Commission of Human Rights. Key opinions have set out the Commission's and the Court's views:

- * that it is appropriate to have an authorisation procedure to consider processions;
- * that rights under Article 11 cover public processions and apply both to individuals and corporate bodies;
- * that, as long as the organisers' intention is for peaceful assembly, the possibility of violent counter-demonstrations is not reason alone for prohibiting processions;
- * that the rights under Article 11 cover processions which may annoy or give offence to people opposed to the ideas or claims that it is seeking to promote.
- * that states should protect those involved in processions and take reasonable and appropriate measures to enable lawful demonstrations can proceed peacefully;
- * that rights under Article 11 do not cover processions if organisers and participants have violent intentions which result in public disorder.

Section 1 Legislative changes and good practice

Legislative changes made to Part V of the Civic Government (Scotland) Act 1982

15 The legislative changes that your local authority must take account of are that:

- * we have increased the minimum amount of notice that organisers must give to your local authority about their intention to march (from seven days to 28 days);
- * we have removed the ability that a local authority previously had to exempt certain processions from the requirements to give notice;
- * your local authority must consider a range of issues when deciding whether to prevent a procession or place conditions on it;
- * your local authority must take account of whether a procession may place too much of a burden on the police;
- * your local authority must take into account the effect that a previous procession had on public safety issues and how far those involved kept to any code of conduct or guidance;
- * your local authority must keep a list of processions that have been held in their area, or which have been prevented, to allow the public to see which processions happen regularly and which are likely to happen in the future.

28 Your local authority should examine all the factors before deciding whether it would be appropriate to prevent a procession or place conditions on it (such as re-routing the event). Your local authority must also make sure that they can justify any restrictions which are placed on a march in line with the ECHR, and that the nature of the restriction is in proportion to the aim which it is trying to tackle.

Disrupting the life of the community

30 All processions, no matter how small, will cause some degree of disruption to communities and businesses. That is an inevitable consequence of holding processions. However, the degree of disruption may not, by itself (or with other events), be enough to prevent people from holding a procession, or from placing conditions on it. Your local authority will need to consider the circumstances of each notification and assess

how far the procession would affect the community or any individual or organisation who can reasonably be considered to be part of a community affected by the notification, and to attach weight accordingly.

31 However, the most important question which your local authority need to tackle is whether the level of disruption which will or may be caused by a procession will be far greater than the right to free assembly and this means they need to place a restriction on the march.

32 As mentioned earlier in this guidance, any decision to make an order which prevents a procession or places a condition on a procession will have to keep to the ECHR. As a result, it is important that any order which is made about a procession is a proportionate response to the level of disruption to the community that this event may cause.

Making sure that the statutory period of notice is given

39 The period of notice that your local authority must give organisers of what decisions have been made about a march under section 63(3)(a) of the 1982 Act has not changed. In most cases, your local authority will be able to give the organiser considerably more notice than the minimum needed. However, we know that there will be a few occasions where your local authority will not be able to give a decision until very close to the day of the event itself. This can give the organiser very little time to prepare any appeal. As a result, we would recommend, unless there is very good reason why they cannot do so, that your local authority tries to give their decisions to organisers at least one full week before the march is to be held.

Section 3 Step-by-step guide

67 This section sets out the basic steps that your local authority should follow when taking decisions on notifications received at least 28 days before the procession. The step-by-step guide below sets out the process over a 28-day period and shows how the administrative process should work from the point of receiving the notification to holding the procession itself. Some organisers will send your local authority their notifications some months beforehand, which will give your local authority and the police a considerably longer time to plan and prepare for the procession and to let communities know. In these cases, we would expect your local authority to give organisers early notice of their decision.

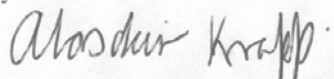
Step 9

Day 21 - Letter of confirmation

88 If the committee decides that your local authority need to place restrictions on a procession, and even if this is decided that this will not be necessary, your local authority should give the organiser a letter of confirmation setting out what has been agreed and why certain decisions have been taken (section 63(3)(a) of the 1982 Act). Your local authority should include a copy of any order that is needed (see section 63(3)(a) of the 1982 Act) with the letter along with another copy of their code of conduct. This process also applies to fast-track notifications.

In conclusion I would trust that this communication more than expels all of Councillor Finlaysons or any one else's conclusions regarding our Parade application.

Yours sincerely



The Church of Scotland



Galston Parish Church

Cross Street, Galston, KA4 8AL.

Minister: Rev. Graeme R. Wilson, MCIBS, BD, Th.M
 The Manse, 60 Brewland Street, Galston, KA4 8DX.
 Tel: 01563 820246. E-mail: graeme.wilson@gmail.com

Session Clerk: Mr Robert Murray
 30 Sorn Place, Galston, KA4 8JA.
 Tel: 01563 822005. E-mail: robmur@btinternet.com

Friday, 7th March 2008

Mrs Fiona Lees,
 Chief Executive,
 East Ayrshire Council,
 London Road,
 Kilmarnock,
 KA3 7BU.

Dear Mrs Lees,

Proposed March in Galston – Saturday 15th March 2007

It has come to my attention that the 'Galston Campsie Club' are proposing to hold a march in Galston on Saturday, 15th March 2008. In this regard, I wish to write to register my formal protest against the licensing of this parade.

The history of the people of this town is one of togetherness and acceptance. The Church of Scotland congregation of Galston Parish Church and the Roman Catholic congregation of St Sophia's have a long tradition of ecumenical co-operation and a profound sense of friendship and trust exists between both the members and the clergy. We worship together during the year and members of both churches come together at many different social events in each of the churches. This sense of acceptance does not just begin and end with the churches. As I undertake the church's work in the wider parish, I am constantly told by those who are not members of either church that they are proud of the way in which people in this town have always got along with each other no matter their religious affiliation or otherwise.

It is also clear from my conversations with members of my congregation and the wider community that the previous parades have caused a great deal of upset within the town, and indeed there is a widespread sense of astonishment that East Ayrshire Council allowed these marches to proceed, despite the alleged incidents of vandalism, graffiti and public disorder that followed in their wake. This sense of disquiet has also been clearly conveyed by the people of Galston to their local councillors and to the community council.

Website: www.galstonparishchurch.org.uk

Church Office Tel: 01563 820136

Charity Number: SC010370

I understand from Mr Stafford's response to my letter of 21st March 2007 that the right to parade is protected under Article 11 of the European Convention of Human Rights. The question is whether this subsists when the parades in question lead to vandalism, graffiti and incidents of public disorder. Does the same convention not also protect the good people of Galston from this malaise? The Scottish Government's 'Action Plan for Tackling Sectarianism in Scotland' provides a rationale for the changes to the Police, Public Order and Criminal Justice (Scotland) Bill 2006, namely to:-

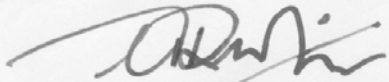
Consider a range of issues including the likely effect the march will have on public safety, public order, damage to property and any disruption to the life of the community

Take account of whether a procession may place too much of a burden on the police, the effect that a previous procession had on public safety and how far those involved kept to any code of conduct or guidance.

In my letter of 21st March 2007, I also expressed an interest "to learn of the Council's policy on sectarianism and, looking forward, what action plan it has in place to counteract this malaise in our society." I do not appear to have received a reply to this matter to date.

I have discussed this matter fully with Father Patrick Lawson of St Sophia's R. C. Church who is in full agreement with the content of the letter. In view of the serious nature of the issues raised I have copied this letter to other concerned parties, and I look forward to receiving your advices in the near future.

Yours sincerely,



Revd. Graeme R. Wilson, MCIBS, BD, Th.M
Minister, Galston Parish Church

cc. Father Patrick Lawson, Priest, St Sophia's R. C. Church, Galston
Des Browne, MP
Willie Coffey, MSP
✓ George Scott Esq., Licensing Officer, East Ayrshire Council.