

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

15 MARCH 2007

AMENDED PROCEDURE RELATING TO MARCHES, PARADES AND PROCESSIONS

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise elected members of the Police, Public Order and Criminal Justice (Scotland) Act 2006 and enacted amendments to Part V of the Civic Government (Scotland) Act as they relate to the Council's procedures regarding the authorisation and control of processions.
- 1.2 The legislation takes effect from 1 April 2007.

2. BACKGROUND

- 2.1 In response to a request from the Scottish Executive, Sir John Orr carried out a review of the arrangements in place for marches and parades. Sir John's report, 'Review of Marches and Parades in Scotland' was published in January 2005.
- 2.2 The report contained a total of 38 recommendations with the overarching aim of professionalizing and modernising the decision making process for marches and parades to ensure better organisation and to allow communities and local businesses to be better informed of what is going on in their area.
- 2.3 The Executive entered into a phase of consultation in February 2005.
- 2.4 A Working Group on Marches and Parades was established in March 2005 with the aim of developing legislation needed, and providing appropriate advice to authorities and organisers, to put the aforesaid recommendations into practice.
- 2.5 The Scottish Executive has provided copies of the report of the Working Group and also copies of the Guidance for Local Authorities.

3. DISCUSSION

3.1 In brief, the primary changes to the current legislation are:

- Organisers have to give at least 28 days notice (as opposed to 7) thereby giving a better opportunity for dialogue and more time for planning;
- Local authorities can no longer exempt certain processions
- Local authorities can take account of a range of issues when deciding whether it is appropriate to place conditions on the march
- Local authorities must take account of whether a procession would place too much of a burden on the police
- Local authorities must maintain a list of processions that have been held in the area, or which have been prevented, to allow the public to see which procession happen regularly and which are likely to happen in the future.
- Local authorities must make arrangements to make sure that anyone who asks for information on processions in their area can receive the appropriate information

3.2 In general, local authorities now become the focus for organisers wishing to promote a march as opposed to the police.

3.3 Local authorities can waive the requirement for 28 days notice in exceptional circumstances, for example, if an organiser wishes to arrange a procession in relation to a recent decision or announcement such as a decision to close a factory or unexpected intimation of redundancies.

3.4 The vast majority of marches intimated previously to this authority can be considered 'uncontentious'. In the event of a competent challenge being made, it would fall to the Local Government Licensing Panel to consider the objection and to reach a decision. There is no change to the requirement to give an organiser at least 2 days notice of the decision.

3.5 While the 'uncontentious' marches could be dealt with at a low level, there is a requirement in the legislation for risk assessments to be carried out and a series of meetings to be scheduled in respect of marches which could prove problematic.

3.6 To give some impression of the workload involved, since 2001, the average number of marches etc notified to this authority is in the region of

40 per annum. However, this does not reflect the number of local, community parades, details of which were not always provided by Strathclyde Police. It is virtually impossible to assess the number of community events which will now fall under the legislation.

4. FINANCIAL IMPLICATIONS

- 4.1 There is no fee payable for permission to hold a march, parade or procession.

5. LEGAL IMPLICATIONS

- 5.1 The Police, Public Order and Criminal Justice (Scotland) Act 2006 and Part V of the Civic Government (Scotland) Act 1982 indicate the requirements placed on local authorities when determining and reaching decisions about marches, parades and processions.

6. POLICY IMPLICATIONS

- 6.1 Nil.

7. CONCLUSIONS

- 7.1 By virtue of the legislation, local authorities now become the focal point for organisers of marches, parades and processions as opposed to Strathclyde Police.
- 7.2 A wide range of duties and requirements are placed on local authorities with the aim of ensuring that communities are able to express views on processions. In particular, an annual digest of processions is to be prepared and maintained; an 'opt-in' list of suitable organisations, such as, local authority committees, residents and tenants associations, MP/MSP Constituency Offices and the like, should be established to enable those on the list to be advised of forthcoming processions.

8. RECOMMENDATIONS

- 8.1 The Panel is invited to:-
- (i) note the changes to the current legislation in respect of marches, parades and processions;
 - (ii) remit to the Executive Director of Neighbourhood Services to cause a suitable procedure to be developed that will take account of the various requirements of the legislation; and

(iii) otherwise note the content of the report.

William Stafford
Executive Director of Neighbourhood Services

WS/DJ

21 February 2007

LIST OF BACKGROUND PAPERS

1. Review of Marches and Parades in Scotland (December 2004) – Sir John Orr
2. Report of the Working Group on Marches and Parades (December 2006)
3. Guidance for Scottish Local Authorities (December 2006)