



Glasgow City Council

**Wellbeing, Equalities, Communities,
Culture and Engagement City Policy Committee**

Report by Director of Legal and Administration

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Item 6

30th May 2024

**PUBLIC PROCESSION
ANNUAL REPORT 2023/2024**

Purpose of Report:

To provide Members with an annual report on public procession notifications submitted to the Council in respect of the period 1 April 2023 to 31 March 2024.

Recommendations:

Members are asked to note the information provided in this report regarding procession notification and the update on the review of the Council's Policy and Code of Conduct on Public Processions.

Ward No(s):

Local member(s) advised: Yes ☐ No ☐

Citywide: ✓

consulted: Yes ☐ No ✓

- 1.1 The legal and administrative process for dealing with notifications for public processions in Scotland is set out in Part V of the Civic Government (Scotland) Act 1982 ("the 1982 Act"). Under the 1982 Act, anyone organising a procession in Glasgow must notify the Council at least 28 days prior to the date on which the procession is intended to take place.
- 1.2 It should be noted that the organiser of a procession is not applying to the Council for permission or for any type of licence, rather they are informing the Council of their intention to hold a procession.
- 1.3 Upon receipt of a notification, the Council can:-
- agree to the procession proceeding as the organiser intended;
 - attach conditions to the holding of the procession, for example changes to the proposed route or start time; or
 - under very limited circumstances, prohibit the procession.
- 1.4 Part V of the 1982 Act sets out the relevant considerations which the Council must take into account when considering a notification received from a procession organiser and in determining whether it is necessary to prohibit or impose conditions on a procession. These considerations are:-
- (A)
- public safety;
 - public order;
 - damage to property; and
 - disruption to the life of the community;
- (B)
- the extent to which the containment of risks arising from the procession would place an excessive burden on the police; and
- (C)
- where the persons proposing to hold the procession has previously held one in the area of the authority or the persons likely to take part in the procession, or some of them, are the same persons as took part in one previously held in that area, or some of them-
 - (i) whether the procession was held in breach of a prohibition or of a condition imposed on the holding of it;
 - (ii) whether any guidance or code of conduct issued by the authority as to the holding of the previous procession or as to the holding of procession generally was followed: and

(iii) the effect of the previous procession in relation to (A) and (B) above.

- 1.5 In accordance with the law, the Council must assess each procession notification on an individual basis. It is required to examine all factors before deciding whether it would be appropriate to place conditions on the procession, or prevent it from taking place. Any decision taken by the Council must be reasonable and proportionate, taking account of the aim it is trying to tackle in relation to the specific circumstances of the procession.
- 1.6 Importantly, the Council must recognise the fundamental rights contained in the European Convention on Human Rights (**ECHR**) and in particular Article 11 rights in relation to freedom of assembly and of association. Article 11 of the ECHR recognises that there is not an absolute right to freedom of peaceful assembly and that restrictions can be placed on the exercise of these rights by law in the interests 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.
- 1.7 In accordance with statutory guidance issued by the Scottish Ministers under section 65A of the 1982 Act, the Council has adopted a Policy and Code of Conduct on Public Processions which was developed through negotiation and discussion with procession organisers and the Police in order to move forward collectively to resolve any difficulties or concerns regarding processions.
- 1.8 The overall aim of the Policy and Code of Conduct is to strike the right balance between protecting the fundamental rights of individuals and organisations to arrange and participate in processions with the need to minimise disruption to the wider community by protecting the rights of all Glasgow citizens to go about their business without unnecessary disturbance and interference.

2 Volume of Processions

- 2.1 The table below shows the number of procession notifications submitted to the Council in the last 4 years in respect of processions taking place in the city between 1 April and 31 March: ,

ORGANISATION	2020/2021	2021/2022	2022/2023	2023/2024
Orange Order	0	77	122	135
Apprentice Boys of Derry	0	12	21	24

Black Institute	0	3	14	10
Republican Marches	0	7	7	7
Trade Union	0	1	3	2
Other	0	38	49	67
Bands	0	11	10	8
Funeral	0	3	7	11
TOTALS	0	152	233	264

2.2 In the period from 1 April 2023 to 31 March 2024, there were a total of 264 public processions held in Glasgow. This compares with a total of 233 in the period 1 April 2022 to 31 March 2023, representing an increase of 13%. However, in comparing the figures above, the impact of the COVID pandemic must be taken into account, noting that Scottish Government restrictions on the holding of public processions were not fully lifted until August 2021.

2.3 In relation to those processions taking place in the period from 1 April 2023 to 31 March 2024, the Council wards with the highest number of processions passing through them were:-

Council Ward	No. of Processions passing through in 2023/2024
Ward 10 – Anderston/City/Yorkill	96
Ward 9 - Calton	65
Ward 5 - Govan	32
Ward 22 – Dennistoun	23

2.4 While the vast majority of processions pass without difficulty and in compliance with the requirements set out in the Code of Conduct, it is acknowledged that in a small number of cases there have been complaints and concerns regarding the conduct of participants or followers. It is also recognised that there are a number of challenges to the city posed by processions, which include disruption to public transport and traffic flow, particularly where the procession passes through the city centre, as well as disruption to businesses, retail and tourism.

2.5 In order to mitigate the impact of larger scale processions as much as possible, multiagency meetings are held to review the procession management plan, stewarding plan and arrangements for assembly and dispersal. A debrief meeting may be held after the event to review the management of the procession and compliance with the Policy and Code of Conduct, with any learning points identified for future similar processions.

- 2.6 Where issues have been identified with regard to the proposed route or timing of a procession, agreement on proposed changes are normally reached through negotiations and discussions led by the Council's Processions Officer.
- 2.7 Where agreement on the arrangements for a procession cannot be reached and there remains a significant concern for one or more of the statutory considerations referred to above at paragraph 1.4, a meeting of the Council's Public Processions Committee will be convened to consider the procession notification. The Public Processions Committee is made up of a panel of 3 elected members of this Committee, based on the availability of members to attend.
- 2.8 In relation to procession notifications received for the period 1 April 2023 to 31 March 2024, it was not necessary to call a meeting of the Public Processions Committee as any concerns regarding routes, timings or other issues were successfully resolved through negotiation and agreement.

3 Review of the Policy and Code of Conduct on Public Processions

- 3.1 On 11 August 2022, a [report](#) was provided to this Committee setting out the findings from a consultation and stakeholder engagement exercise undertaken to investigate the impacts of processions in Glasgow as part of a review of the Council's current Policy and Code of Conduct for Processions. The findings from the consultation and stakeholder engagement were used to help inform discussions with a cross party elected member working group as well as with individuals and organisations involved with processions.
- 3.2 The report acknowledged that progression of the review had been significantly hampered by the COVID 19 pandemic and the consequent restrictions on processions which were in place for around 14 months.
- 3.3 The report also advised that given ongoing issues and tensions relating to processions, the Scottish Government had set up an independent short life working group bringing together experts on processions, human rights, community engagement and mediation. The remit for the independent working group was:-
- To identify any challenges that are involved in the running of marches and parades and the notification process in Scotland;
 - To achieve the right balance between the human rights of organisers/participants with those communities impacted by these events;
 - To consider how these challenges could be addressed, and the practical implications of making any changes;

- To consider how the Northern Ireland Parades Commission works and whether there was any learning that could be extracted from this model and adapted for Scotland; and
 - To make recommendations based on these issues.
- 3.4 It was agreed at the Committee meeting on 11 August 2022 that the Council's cross party elected member working group would be re-established to take account of the recommendations made by the Scottish Government's independent working group in order to take forward the review of the Council's Policy and Code of Conduct on Processions.
- 3.5 The [report](#) by the Scottish Government's independent working group was subsequently published on 2 November 2022. The report set out 18 recommendations but did not suggest a fundamental overhaul of the current regulatory regime for public processions or the establishment of a Parades Commission. Instead the report made a number of recommendations in relation to matters designed to improve public understanding of the notification process and to provide greater opportunity for community involvement such as in relation to multiagency meetings held as part of the planning process for processions. A number of the recommendations also focused on local authorities taking more of a human rights based approach to the balancing of rights.
- 3.6 In order to further consider the recommendations made by the independent working group, the Scottish Government established an Action Group on Processions, in or around January 2023 to develop next steps, based on the conclusions and recommendations of the working group report.
- 3.7 The Action Group members consisted of a cross section of representatives from Glasgow City Council, Queens University - Belfast, Edinburgh City Council, Police Scotland, Independent Human Rights Advisor, COSLA, Society of Local Authority Lawyers and Administrators in Scotland (SOLAR), Scottish Mediation, Scottish Community Safety Network and Scottish Government. The Action Group was chaired by Professor Bryan, Queens University - Belfast.
- 3.8 The Action Group met on several occasions during 2023/2024. At these meetings, the Action Group members discussed the conclusions and recommendations within the working group report and identified practical steps that could be taken forward from these, to improve the facilitation of processions in Scotland. These steps are to build on the work of the working group on Processions. At the initial meeting of the Action Group, it was recognised by its members that it was essential to ensure that a focus on human rights was central to all of its considerations and recommendations.
- 3.9 A final report of the Action Group was submitted to the Minister for Victims and Community Safety on 30 April 2024. The Minister has subsequently

written to COSLA and Police Scotland inviting them to work with the Scottish Government on a joint response to the report. It is likely the report will be published once a joint response has been agreed. When the report is public, it will be shared with Council's cross party working group on processions and taken into account as part of the Council's review.

- 3.10 It should also be noted that the Scottish Government published an updated [Guidance](#) on Public Processions on 28 March 2024. This updated Guidance will be taken into account by the Council's working group on processions as part of the Council's review.
- 3.11 The Council's cross-party working group has been kept informed of the work of the Action Group and is aware that the outcomes from the Group together with the terms of the updated Guidance are key considerations in updating the Council's Policy and Code of Conduct on Processions. Once the Action Group report is public, an action plan will be developed for the Council's cross-party working group in order to move forward with concluding its Review. Any proposed changes to the Policy and Code of Conduct will be taken forward to the City Administration Committee for approval.

4 Policy and Resource Implications

Resource Implications:

<i>Financial:</i>	No financial implications.
<i>Legal:</i>	The Council discharges its statutory duties in relation to procession notifications in accordance with the requirements of Part V of the Civic Government (Scotland) Act 1982, supporting the fundamental rights contained within Article 11 of the European Convention on Human Rights in relation to freedom of assembly and of association.
<i>Personnel:</i>	No direct personnel implications.
<i>Procurement:</i>	No relevant procurement issues.
Council Strategic Plan:	Enable staff to deliver essential services in a sustainable, innovative and efficient way for our communities.

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.

A full equality impact assessment will be carried out as part of the review process.

What are the potential equality impacts as a result of this report?

None at this stage.

Please highlight if the policy/proposal will help address socio-economic disadvantage.

None at this stage.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:

No Impact

What are the potential climate impacts as a result of this proposal?

No impact

Will the proposal contribute to Glasgow's net zero carbon target?

None

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report

No

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

5 Recommendations

- 5.1 Members are asked to note the information provided in this report regarding procession notifications and the update on the review of the Council's Policy and Code of Conduct on Public Processions.