



**East Dunbartonshire Council**

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# **Code of Conduct on Public Processions**

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## 1. INTRODUCTION

East Dunbartonshire is a multicultural area in which, over many years, communities and individuals of different backgrounds and cultures have found a home. At the beginning of this new century, East Dunbartonshire is looking to the future. Yet, at the same time, it is conscious of the importance of its history.

One aspect of this is the tradition of public processions and demonstrations. The use of the term 'procession' in this code of conduct covers all parades, marches, and demonstrations etc whether organised by civic, cultural, political, arts or religious organisations, community groups or other interest groups.

Whilst this tradition can have positive aspects, there have been occasions when participants in processions (or followers) have displayed an overtly controversial political or religious affiliation which has caused offence to others and, in a small number of cases, has provoked public disorder. The Council cannot condone such behaviour. It is inconsistent with a friendly, inclusive and tolerant Council area. It also has a negative impact on how East Dunbartonshire is seen by the wider world.

### 1.1 Legal context

This code of conduct has been prepared as a source of advice for those organising processions for any purpose in public places. It is designed to assist organisers by providing both a checklist and a reminder of the points they will need to cover and the issues they will need to address in planning and on the day of the procession.

The code of conduct operates within the guidance issued by Scottish Ministers to local authorities on 12 December 2006 under Section 65A of the Civic Government (Scotland) Act 1982. It sets out the changes to the law of public processions made by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and what the Council need to take account of when assessing notifications to hold a procession. It also sets out the steps that the Council should take when considering whether it is necessary for it to prevent a procession from taking place or place conditions on it under Part V of the Civic Government (Scotland) Act 1982.

The Council must act within the law, apply the law correctly and base any decision on correct facts. The Council has to exercise discretion in a reasonable manner, act within its powers and be able to justify any conditions or prohibition in relation to the specific circumstances of a procession.

The legislative changes that the Council must take account of are that:

- the minimum amount of notice that organisers must give to the Council about their intention to march has been increased from **7 days to 28 days**;
- the ability that the Council previously had to exempt certain processions from the requirements to give notice has been removed, although the requirement can be waived in exceptional circumstances;
- the Council must consider a range of issues, including public safety, public order, damage to property and any disruption to the life of the community, when deciding whether to prevent a procession or place conditions on it;

- the Council should take account of whether a procession may place too much of a burden on the Police;
- the Council must take into account the effect that a previous procession had on public safety issues and how far those involved kept to the code of conduct; and
- the Council must keep a list of processions that have been held in its 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.

## 1.2 Aim of Code of Conduct

- The code of conduct recognises the need to achieve balance between the legitimate desire of people to protest, to celebrate their history and cultural traditions, or to raise awareness of issues that they regard as important, and the legitimate right of non-participants to go about their daily lives with minimal disruption and inconvenience. It is critical to its success that the Council works with the Police and procession organisers to ensure that the code of conduct is:
- applied equally to the broad range of organisations that might wish to hold events in the East Dunbartonshire area.
- implemented fairly; adhered to consistently; and
- monitored properly.

## 1.3 Key principles

The code of conduct is based on 3 key principles:

- The rights to peaceful assembly and freedom of expression, as outlined in the European Convention on Human Rights, which are fundamental rights that should be open to all.
- These rights are not absolute they must be balanced by the responsibility to ensure that the rights of others are not infringed. These rights are subject to proportionate limitations being imposed where it is necessary to do so.
- The exercise of these rights brings specific responsibilities, both to those organising and participating in processions, especially in relation to those residents whose lives may be disrupted by a particular procession.

## 2. GUIDELINES

### 2.1 Guidelines for the Council

The code of conduct sets out the issues which are considered important when dealing with the notification of a procession. This represents a general approach, each procession will be assessed on its own merits and according to circumstances. Responsibility for a procession and its participants lies first and foremost with the **Procession Organiser who must ensure a pre-planned, well-organised and peaceful event, that has as little negative impact as possible on local residents and communities.** The Police, too, have a critical role in upholding the law in and around processions and demonstrations. In considering the notification of a procession, the following will be taken into account:

### 2.1.1 The number of processions

In terms of the number of processions, the Council will consider:

- the number of processions that have taken place within the area affected by the proposed procession within the last year and, in the light of this, the potential for the procession to cause excessive disruption to residents and businesses in the area and to motorists, pedestrians and public transport users along its proposed route. **The greater the number of processions, the greater the likelihood of some restrictions.**

### 2.1.2 The timing of processions

In terms of the timing of processions, it will be presumed that:

- processions will take place between **7.30am and 9.00pm** and no music will be played before **9.00am or later than 6.00pm, unless good reasons are presented as to why these conditions should not apply.** With regard to the playing of music, further restrictions may be required after considering the type of premises along the proposed route e.g. residential developments, places of worship, football grounds and public houses.

### 2.1.3 The procession route

In terms of procession routes, consideration will be given to:

- the impact of the route on residents, businesses and transport users and the necessity to balance the desire of the procession organisers for a particular route with the impact on other people affected by that route. **The presumption is that processions will avoid residential areas and should, where practical, keep to main arterial routes;**
- organisers' proposals for stewarding and other arrangements, if the Council need to alter proposed routes to limit disruption in local areas, efforts will also be made to maximise opportunities for the Police to ensure that traffic and pedestrian movement is subject to as little disruption as possible.
- the responsibilities involved in managing traffic are referred to in paragraph 29 of the guidance issued by Scottish Ministers and further guidance for organisers' is available at [www.scotland.gov.uk/Publicatons/2005/07/14155315/53182](http://www.scotland.gov.uk/Publicatons/2005/07/14155315/53182). The Council will work with organisers and the Police to minimise any costs which may be payable by the organiser for traffic management which may be deemed necessary depending on the nature of the planned event.

### 2.1.4 Public safety, public order, damage to property or disruption to the life of the community

In terms of likely threats to public safety, public order, damage to property or disruption to the life of the community, the Council will consider:

- Police advice regarding public safety or potential public disorder in relation to any proposed procession, as well as Police reports on the extent to which previous processions have involved anti-social behaviour on the part of participants or followers causing disruption to the life of the community;
- representations from residents and businesses whose activities are likely to be affected by the proposed procession regarding the expectation of disruption, public disorder and anti-social behaviour.

Once we have assessed these reports, the Council will decide whether to:

- make alterations to the route;
- ask for stewarding arrangements to be strengthened;
- seek to impose conditions or
- prohibit a procession to ensure that anti-social behaviour is not promoted.

The Council will look at the impact of a procession **in its totality** and the likelihood of any restriction will be greater where the procession or its followers have previously:

- Caused public disorder or damage to property;
- Been involved in anti-social behaviour disruption to the life of the community; or
- failed to comply with Police instructions on the day.

## 2.2 Guidelines for Organisers

We will require the organiser(s) of a procession to agree to this code of conduct when notifying us of the intention to hold a procession. In practice, there will be a degree of flexibility in how far the code of conduct operates to reflect local circumstances.

All Organisers should in relation to:

### 2.2.1 The notification process

- Provide a minimum 28 days notice to the Council of the intention to hold a procession, **except in exceptional circumstances where this period of notice would be impractical;**
- give notification as early as possible in those cases where a series of similar processions is proposed as doing so will help everyone in the planning process;
- co-operate with the Council and the Police from the time of submission of the notification of a procession until the procession disperses;
- identify himself/herself to the Police Officer in charge at the commencement of the procession;
- ensure that, in the event of the procession or demonstration being cancelled, the Council and the Police are informed of this promptly and the cancellation is confirmed in writing to the Council within 48 hours;
- ensure that all participants have been informed of any conditions imposed on the procession (timing, route etc).
- ensure that the consent of the owner of the place where the march will end has been obtained.

### 2.2.2 Public safety, public order, damage to property or disruption to the life of the community

- ensure anyone under the influence of alcohol and/or drugs is not allowed to participate
- ensure a ratio of one steward or marshal to every ten participants as stewarding is an important aspect in the control of those participating in processions and
- that all stewards:
  - have been trained to a suitable standard;
  - are briefed by organisers and given guidance/instruction on their role prior to the procession;
  - carry proof of status;
  - co-operate with the Police as required;
  - wear suitable clothing (for example, fluorescent jackets) to make themselves easy to identify;
  - conduct themselves in a proper manner;
  - ensure that participants comply with directions regarding their own public safety and that of members of the public;
  - accept that he/she is responsible for the behaviour of all participants, including bands (where appropriate) and those following the procession by using whatever means he/she can to advise those spectators that abusive or violent behaviour will not be tolerated, and for ensuring general compliance with the code of conduct and Police instructions;

- ensure that the behaviour of participants could not reasonably be perceived as being deliberately aggressive (i.e. threatening, abusive, homophobic, sectarian, or racist) and note that the Council will take account of any public disorder, anti social behaviour or damage to property resulting from the procession in respect of any notification received in the future from the organiser for a similar procession.

### **2.2.3 Routes**

- ensure that, wherever possible, processions follow main roads, rather than going through residential housing developments;
- ensure that all participants do not march more than four abreast, keeping to the near or left hand side of the street except on one-way streets where they will keep to the right hand side;
- ensure that the Police are assisted in guaranteeing that passage is allowed for traffic and pedestrians;
- ensure that the procession is split into sections in order to avoid serious dislocation of traffic and to facilitate the crossing of pedestrians who have a right of free access and passage to or through any public area;
- ensure that all playing of music ceases when approaching and passing places of worship especially when services are in progress, as instructed by the Police; and
- ensure all participants disperse as soon as the procession concludes.

### **2.2.4 Legal requirements**

- note that the conditions of Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers shall be observed;
- note that the terms of the Public Order Act 1936 in relation to the prohibition of the wearing of uniforms signifying association with any banned organisations etc shall be observed;
- note that the terms of the Public Order Act 1986 in relation to the powers of Chief Constables during or immediately before a march or parade shall be observed;
- note that the conditions of the Terrorism Act 2000 in relation to being members of or supporting, or fund-raising for, an organisation forbidden by law shall be observed;
- note that the terms of the Road Traffic Regulation Act 1984 as amended by the Road Traffic (Temporary Restrictions) Act 1991 and the Road Traffic Regulation (Special Events) Act 1994 for any restrictions which are to be put in place such as closing roads, diversions, signs or traffic cones shall be observed;
- note that the terms of the Road Traffic Act 1967 in relation to the conditions which set out the powers of the Police shall be observed; and
- note that the terms of the East Dunbartonshire Council (Prohibition of the consumption of Alcohol) Byelaws 1996, in relation to the prohibition of the consumption of alcohol by any person in a designated place shall be observed.

## **2.3 Guidelines for participants**

### **All participants in processions should:**

- behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in areas where there has previously been public disorder around processions;
- behave with due respect at 'sensitive' areas such as places of worship;
- refrain from using words or behaviour which could reasonably be perceived as being deliberately aggressive (i.e. threatening, abusive, homophobic, sectarian, or racist);

- obey the lawful direction of procession organisers, stewards and the Police at all times;
- keep to the designated route as directed by the Police;
- refrain from consuming alcohol and/or drugs prior to or during the procession;
- not display flags relating to proscribed organisations and/or which are likely to cause offence;
- disperse in good order as soon as the procession concludes.

### **3. NOTIFICATION PROCESS**

If you intend organising a procession you can pick up a notification form from the Council office, or request one to be sent by post or submit your notification online as detailed below.

Our code of conduct on processions requires 28 days notice of a procession, to allow time for any necessary discussions to take place. Having allowed for this period of notice you should send the form in your chosen format, keeping a copy for yourself, to the address detailed below.

#### **3.1 Information needed**

The notification form asks for:

- the name of the organisation;
- the organiser's name and address;
- the reason for the procession;
- the day, date, time and route;
- the number of people likely to take part;
- the number of stewards;
- chief steward's details; and
- participating bands' details.

You should read the notification form, along with the Council's code of conduct on processions, and when completing the form take into account all aspects of the code. If you believe you will have any difficulty in complying with the code of conduct, you must explain this in detail when submitting the form and give the reasons why any exceptions to the code should be considered.

The Council expect all organisers to:

- act responsibly in ensuring processions are organised for appropriate purposes; and
- where appropriate, consider the scope for combining processions, particularly if they repeatedly follow the same route(s) or are set to take place in consecutive weeks.

Once you've completed the notification form, please forward it to the address detailed below.

#### **3.2 How we deal with notifications**

When your notification is received, it will be publicised on the Council's website. The procession route will be checked to see which electoral wards it will pass through, so that the local Councillor(s) can be informed. The Councillor will be given the opportunity to make any comments or representations on the proposed procession. The notification will also be sent to the local Community Council who is on the Council's opt-in list and those who have asked to receive regular updates on processions in their area.



Depending on the information you supply in the notification form, your notification will be processed in terms of the process chart for local authorities which forms part of the Guidance issued by the Scottish Ministers, you may then be asked to attend a precursory meeting with Council officers and the local Police to discuss the proposed procession. This is particularly likely if your procession goes along the main arterial routes.

Once a response has been received from the Divisional Commander of the appropriate Police Division where the procession will take place the Council will receive a report confirming the details of the notification and stating if he/she has any observations or representations in relation to the proposed procession.

If neither the Police, or the local councillor(s), or individuals/organisations on the opt-in list make representations, then we will send you a letter **confirming** the details of the procession, including the date, route and time, together with any other conditions which you will be obliged to follow.

If your procession is to end in a rally or demonstration in a public space owned by the Council such as a public park, pedestrian precinct, event space, civic space or car park, we will email your request to the Green Space (see page 11) who will liaise with you regarding permission to use the facility.

After your specific requirements have been discussed with Green Space, you will have to agree to return the park etc. to its original condition. Details of Green Space Services is detailed below.

### **3.3 How we deal with representations**

Current legislation presumes the right to hold a procession and, the Council must justify any conditions or prohibitions in relation to the specific circumstances of a procession.

Where representations have been received from the Police or a local councillor(s) or concerns raised by local residents or businesses, every effort will be made to meet and negotiate with you, as procession organiser, to resolve concerns to the mutual satisfaction of all involved. These negotiations may result in you having to submit a revised and mutually agreed notification.

If, however, it is impossible to resolve difficulties through negotiation, a formal meeting of the Council's Civic Government Appeals Board can be arranged to consider the issues in dispute.

At the meeting, those proposing the procession and making representations will present their cases and Board members will have the opportunity to question them.

After hearing all parties, the Board will announce its decision which will be confirmed in writing. The Council can either prohibit the holding of a procession or impose conditions on it in terms of Part V of the Civic Government (Scotland) Act 1982.

These restrictions may include: -

- making alterations to the date, time, duration or route of the procession;
- asking for stewarding arrangements to be strengthened;
- seeking to prevent a procession to ensure that anti-social behaviour is not promoted; and

- prohibiting the procession entry into any public place specified in the Order.

If a decision is taken to prohibit a procession under Section 63(1) of the Civic Government Act 1982, a Prohibition Order will be sent to you, as organiser, as early as possible after the Board Meeting. This Order will explain why the procession has been prohibited and the consequences should you decide to ignore the Order.

### **3.4 Appeals against prohibition orders**

You can appeal against an Order made under Section 63(1) of the Act. This appeal should be made by way of summary application and lodged with the Sheriff Clerk within **14 days** of the date you receive the Order and the Statement of Reasons.

An appeal may be upheld by a Sheriff if he/she considers that the Council, in making its decision had:-

- based its decision on any incorrect material fact;
- erred in law;
- exercised its discretion in an unreasonable manner; or
- otherwise acted beyond its powers.

The Sheriff considering an appeal under this Section, may hear evidence by or on behalf of, any party to the appeal, and will also take into account the actions of the Council and give it the opportunity to be heard.

If the Sheriff upholds an appeal, he/she may either:

- remit the case with the reasons for his/her decision to the local authority for reconsideration of its decision;
- vary the Order under appeal, if there is insufficient time for the case to be remitted to the local authority; or
- dismiss the appeal.

### **3.5 Cancellations**

If you have to cancel your procession or demonstration, it is your responsibility, as organiser, to advise both Legal and Administrative Services and the appropriate local Police Office as soon as possible. Where practical, you should confirm the cancellation in writing to Legal and Administration Services within 48 hours of the decision.

### 3.6 Information on processions

Details of forthcoming processions will be placed on the Council's website at:  
[www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

You can obtain a notification form and make specific enquiries on particular processions to Legal & Administration Services by:

Telephone **0141 578 8000**  
e-mail [licensing@eastdunbarton.gov.uk](mailto:licensing@eastdunbarton.gov.uk)  
post **East Dunbartonshire Council,  
Governance & Regulation Directorate  
Broomhill Industrial Estate,  
Kilsyth Road,  
Kirkintilloch,  
G66 1TF**

You can make enquiries on the use of Council facilities such as public parks, pedestrian precincts, event spaces, civic spaces, car parks to Green Space by:

Telephone **0141 574 5540**  
e-mail [greenspace@eastdunbarton.gov.uk](mailto:greenspace@eastdunbarton.gov.uk)  
post **East Dunbartonshire Council,  
Neighbourhood Services  
Broomhill Industrial Estate,  
Kilsyth Road,  
Kirkintilloch,  
G66 1TF**