

Proposed Policy and Code of Conduct on Public Processions

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1 INTRODUCTION

Edinburgh is a multicultural city which has a tradition of public processions and demonstrations. The use of the term 'procession' covers all parades, marches, cavalcades and demonstrations where demonstrators proceed from one point to another. They can be organised by civic, cultural, political, religious, community, arts interest groups or other organisations.

The number of parades and processions is significant given the city's role as capital city. Whilst there are many positive aspects to these parades they also pose a number of challenges to the city.

These challenges result from:

- The significant number of processions other events and roadworks throughout the city, of which a large number progress through the city centre;
- the increasing importance of retail, leisure, business and conference tourism to the city and the impact which such a significant number of processions has upon these sectors;
- disruption caused to public transport and traffic flow in the city, particularly in the city centre;
- instances of low levels of public disorder experienced around some processions;
- feedback from residents and business, strongly favouring a reduction in the number of processions in local areas of the city and in the city centre in particular the High Street
- substantial physical improvements to the city, especially the significant investment in the city centre, which is vital to Edinburgh's economy; and
- increased costs to the Council at a time when pressures on overall public expenditure are increasingly acute.
- increasing costs required to police processions, in both financial resources and policing hours.

The vast majority of parades and processions pass without difficulty. However, there have been occasions when participants, followers or protestors have displayed an overtly controversial political or religious affiliation, which has caused complaints and offence to others members of the community. The Council cannot condone such behaviour which is inconsistent with a friendly, inclusive and tolerant city.

1.1 Legal context

This Policy and Code of Conduct has been prepared as a source of guidance for those organising processions for any purpose in public places. It is designed to assist procession 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 at the planning stage of a procession and on the day of a procession.

The Policy and 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 Processions made by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and what the Council needs 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 to prevent a procession from taking place or to attach 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 its decision on correct facts. The Council has to exercise discretion in a reasonable manner, act within its powers and be able to justify any condition or prohibition in relation to the specific circumstances of a procession.

Part V of the Civic Government (Scotland) Act 1982 section 63(8) sets out the relevant considerations¹ which the Council must take into account when considering a notification received from a procession organiser and whether it is necessary to prohibit or impose conditions. These conditions include the following:

- public safety;
- public order;
- damage to property; and
- disruption to the life of the community.

When considering all notifications for a procession, the Council will rigorously measure the impact of the procession against each of these four considerations, as set out in the legislation.

In addition, the Council will liaise with the police regarding the associated risk. This is one of the main factors in deciding whether a procession should be allowed to go ahead without additional conditions other than the standard conditions being placed on it.

Other legislative considerations that the Council must take account of are that:

- the minimum amount of notice that procession organisers must give to the Council about their intention to hold a public procession, is 28 days;
- the Council can in limited circumstances exempt certain processions from the requirements to give notice timeously;
- 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 Policy and 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 Policy and Code of Conduct

The Policy and Code of Conduct recognises the need to achieve a 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.

¹ Police, Public Order and Criminal Justice (Scotland) Act 2006 Section 71 (8) (a)

It is critical to its success that the Council works with the police and procession organisers to ensure that the Policy and Code of Conduct is:

- applied equally to the broad range of organisations that might wish to hold events in the city;
- implemented fairly;
- adhered to consistently; and
- monitored properly.

1.3 Key principles

The Policy and Code of Conduct is based on 3 key principles:

- the rights to peaceful assembly and freedom of expression, as outlined in European Convention on Human Rights (ECHR) legislation, are fundamental rights which the Council believes should be open to all;
- these rights are not absolute, however, and therefore they must be balanced by the responsibility to ensure that the rights of others are not infringed. These rights are subject to proportionate limitations where it is necessary to do so; and
- the exercise of these rights brings specific responsibilities, both to procession organisers and participants, especially in relation to those residents and businesses who may suffer from disruption directly or indirectly caused by a particular procession.

1.4 Definitions

In this document, the following definitions shall apply:-

“City” means the City of Edinburgh;

“City Centre” means that area of the city situated within the boundary of ward 11 (see appendix A)

“Council” means The City of Edinburgh Council, a local authority incorporated under the Local Government etc (Scotland) Act 1994 and having its headquarters at City Chambers, High Street, Edinburgh, EH1 1YJ, and reference to the Council shall, where appropriate, include reference to officers of the Council;

“Divisional Commander” means the Police Commander of the City of Edinburgh, including any successor or substitute.

“ECHR” means the European Convention on Human Rights;

“Feeder Procession” means any smaller or subordinate Procession that commences in a local area of the city and progresses to link up with other smaller processions and/or feeds into a larger, and usually the main, procession, of which it then becomes part;

“Follower” means any person who is an onlooker in support of the procession or someone who follows a procession along all or part of its route, but not a participant or a protester;

“Opt-in List” means a list held and maintained by the Council in accordance with Section 63(10) of the Civic Government (Scotland) Act 1982, as amended, of any organisation, individual, community council, or residents’ or tenants’ association, or similar, which has specifically requested to be advised by the Council of any procession in an area in which they reside, conduct business or have a representational role;

“Participant” means any person who actively participates or takes part in a Procession in any way or manner;

“Police” means Police Scotland, including any successor or substitute body which carries out the same or similar function, and reference to the police shall, where appropriate, include reference to officers of the police (including, where appropriate, reference to the Divisional Commander, the Police Commander or any other officer);

“Police Commander” means the designated police officer who is in charge of policing and public order on the day of a procession, or any other officer acting in the role of the police operational commander;

“Policy and Code of Conduct” means the entirety of this document which may be amended and approved by the Regulatory Committee;

“Procession” There is no statutory definition within the “Act” of procession, however for the purposes of this Policy and Code of Conduct the Council considers it to mean any organised, moving public procession in a public place and shall include cavalcades, commemorations, celebrations, demonstrations, festivals, marches, parades, protests, rallies, remembrances, ridings and walks, whether by individuals or vehicles;

“Procession Organiser” means any person who organises a procession, and completes and submits the notification form; and

“Return Procession” means any smaller or subordinate procession that, following the conclusion of the main procession, decouples there from and continues as a separate Procession to its local area of the city before its own conclusion and dispersal.

In this document, unless otherwise specified or the context otherwise requires:

- Words in the singular shall be construed to include the plural and *vice versa*;
- Any reference to a person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality) and words importing individuals include corporations and *vice versa*;
- Any reference to a statute or statutory provision includes any subordinate legislation which is in force from time to time under that statute or statutory provision;
- Any reference to any statute, statutory provision or subordinate legislation shall be deemed to include any reference to such statute, statutory provision or subordinate legislation as they may be amended or re-enacted from time to time.

2 NOTIFICATION PROCESS

All processions must be notified to the Council in writing by completing a notification form Appendix C). If a procession organiser intends organising a procession, he/she can pick up a notification form from the Council, may request one by post or submit a notification online.

The Act requires a minimum of 28 days prior notice of a procession to allow time for any necessary discussions to take place, **except in those exceptional circumstances (as determined and agreed by the Council) where this period of notice would be impractical.**

Where a road closure or parking restriction is required a TTRO would be necessary to close any roads or to prohibit parking etc. The application process for a TTRO under the Road Traffic Regulation Act for processions and the timescales associated with this process means the Road Services team will require longer than the normal 28 day notification period required under the Civic Government (Scotland) Act 1982. A minimum of 12 weeks notice is required to allow the Council to meet its statutory obligations.

The procession organiser must give notification as early as possible in those cases where a series of similar processions is proposed, as doing so will help all parties concerned in the planning process. Having allowed for this period of notice, the procession organiser should send the form in their chosen format, keeping a copy for themselves, to the address detailed below at paragraph 2.6.

2.1 Information needed

The notification form (appendix C) asks for:

- the name of the organisation;
- the procession organiser's name, address and contact details;
- the reason for the procession;
- frequency of procession;
- the day, date, time
- the proposed route;
- duration of the procession and distance of route;
- details as to whether or not it is a feeder or return procession;
- details of other associated processions;
- details of any associated event at start or finish of the procession (i.e. static demonstration, rally in a public park, etc);
- a list of places of where recognised religious, cultural, or legal ceremony is or is likely to be taking place along the route;
- details as to whether or not the procession will be routed through the city centre and explanation for following this route;
- details as to whether or not consideration has been given by the procession organisers to an alternative to a procession (i.e. static demonstration, rally in a public park, etc);
- estimated number of participants;

- the number of stewards;
- the chief steward's details; and
- participating bands' details and approximate numbers of expected band members.

The procession organiser should read the notification form, along with this Policy and Code of Conduct, and, when completing the form, take into account all aspects thereof. If the procession organiser believes he/she will have any difficulty in complying with the Policy and Code of Conduct, he/she must explain this in detail when submitting the form and give reasons why any exceptions to the Policy and Code of Conduct should be considered. Any additional information relating to the proposed procession should be submitted in writing to the address detailed below at paragraph 2.6.

The Council expects all procession 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 the procession organisers have completed the notification form, they can submit the form online, by post, or by email, all as detailed at paragraph 2.6.

2.2 How the Council deals with notifications

The information which the procession organiser provides on the notification form shall be processed by the Council, which is the "data controller" for the purposes of the Data Protection Act 1998. The information provided in the submitted notice of proposal shall be used by the Council to ensure its compliance with Part V of the Civic Government (Scotland) Act 1982 (as amended).

All information provided by the procession organiser in the submitted notice of proposal, including all personal data in its entirety (which includes name, address and contact information), shall be shared with the following interested parties:

- internally with other Council departments who may be addressing the issues raised by the submitted notice of proposal; and
- the police.

Summary information (which includes organisation name, date, time, assembly point, proposed route and estimated number of participants) as provided by the procession organiser in the submitted notice of proposal, but excluding all personal data in its entirety, shall be shared with the following interested parties:

- the general public via the Council's website;
- Elected Councillor(s) for the electoral ward(s) through which the procession passes; and
- any organisation, individual, community council, or residents' or tenants' association, or similar, which has specifically requested to be included on the Opt-in List.

Depending on the information supplied in the notification form, the Council will handle the notification in terms of the process chart for local authorities which forms part of the guidance issued by the Scottish Ministers². The procession organiser may then be asked to attend an Event Planning Operation Group (EPOG) meeting with the Council and the police to discuss the proposed procession. Procession organisers who indicate that any part of the route of any of their processions will go through the city centre will normally be expected to attend a meeting with officers of the Council and the police.

Once the Council has taken stock of any observations or representations made by council officers, the elected Councillor(s), Police Scotland and other interested parties, in relation to the proposed procession, where appropriate it will prepare a report confirming the details of the notification and details of any representations for consideration by the Licensing Sub Committee or the Regulatory Committee. Parades or processions that are considered to be politically sensitive or controversial will be referred to the Licensing Sub Committee or the Regulatory Committee for consideration.

If no representations are received, then prior to the date of the procession the Council will send to the procession organiser a letter confirming the details of the procession, including the date, route and time, together with any other conditions which the procession organiser will be obliged to follow.

If the 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, car park or road, the procession organiser should contact either the Parks and Green Space Service or Roads Services: Events & Project Development Team (see paragraph 2.6 below) which will liaise with the procession organiser regarding permission to use the facility or the road.

After the specific requirements have been discussed with the Parks and Green Space Service, Roads Services or the Events & Project Development Team, the procession organiser will have to agree to the General Conditions of Let of Park/Precinct/Square. These conditions will usually covers issues including the hire of temporary toilet facilities, site clearance arrangements, equipment hire, staffing and any other costs.

2.3 How the Council deals with representations

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

² Guidance issued by the Scottish Ministers on 12 December 2006 under Section 65A of the Civic Government (Scotland) Act 1982

Where representations have been received from the police or a local Councillor(s) or concerns raised by local residents or businesses, the Council will make every effort to meet and negotiate with the procession organiser to resolve concerns to the mutual satisfaction of all involved. These negotiations may result in it being necessary 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 Licensing Sub-Committee of the Regulatory Committee can be arranged to consider the issues in dispute and to seek a determination thereof.

At the Council's Licensing Sub-Committee of the Regulatory Committee meeting, both the procession organiser and those making representations will be afforded an opportunity to present their respective cases and the committee members will have the opportunity to question them.

After hearing all parties, the Council's Licensing Sub-Committee of the Regulatory Committee will announce its decision having regard to the requirements of the legislation, which will be confirmed in writing. The Council's Licensing Sub-Committee of the Regulatory Committee on behalf of the Council can either prohibit the holding of a specific Procession or impose conditions and/or restrictions on it in terms of Part V of the Civic Government (Scotland) Act 1982.

These conditions and/or 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 its entry into any public place specified by the Council's Licensing Sub-Committee of the Regulatory Committee.

If the Council decides to prohibit a procession under Section 63(1) of the Civic Government (Scotland) Act 1982, a prohibition order will be sent to the procession organiser, as early as possible after the Council's Licensing Sub-Committee of the Regulatory Committee meeting. This prohibition order will explain what the consequences will be should the prohibition order and its terms be ignored in part or in its entirety. A separate statement of reasons will explain why the Committee arrived at its decision to prohibit the processions.

2.4 Appeals against prohibition orders

A Procession Organiser may appeal against a prohibition order made under Section 63(1) of the 1982 Act.³ This appeal should be made by way of summary application and lodged with the Sheriff Clerk within 14 days of the date the prohibition order has been received together with the statement of reasons.

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

³ Civic Government (Scotland) Act 1982

- 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 Council for reconsideration of its decision;
- vary the prohibition order under appeal, if there is insufficient time for the case to be remitted to the Council; or alternatively
- dismiss the appeal.

2.5 Cancellations

If the procession organiser has to cancel the procession, it is his/her responsibility to advise both the Council and the police as soon as possible. Where practical, the procession organiser should confirm the cancellation in writing within 48 hours to the address as detailed at paragraph 2.6.

2.6 Information on proposed Processions

Details of forthcoming processions will be placed on the Council's website at: (add Hyper link)

Completed notification forms for processions should be sent to the Licensing Service at the address below:

A procession organiser may make specific enquiries about particular processions or notify any cancellations to the Licensing Service at the address below

Directorate of Place
Licensing Service
City of Edinburgh Council
City Chambers
249 High Street
Edinburgh
EH1 1YJ

or by Email to: marchesandparades@edinburgh.gov.uk

Tel: 0131 529 4208

If you are planning an event in any public Park or Greenspace managed by the City of Edinburgh Council you will need to apply for permission from the Parks and Greenspace Department.

Parks & Greenspace Service

The City of Edinburgh Council
City Chambers
253 High Street
Edinburgh
EH1 1YJ

or by email to : park.events@edinburgh.gov.uk

Tele: 0131 529 7921 x 57921

The Road Services Events Team is responsible for facilitating events that take place on or affect the public highway. This includes giving permission to use a certain part of the public highway, ensuring 'events' are co-ordinated with any other works taking place on the public highway. When necessary a Temporary Traffic Regulation Order (TTRO) is issued to allow the event to take place. A TTRO would be necessary to close any roads or to prohibit parking etc. The application process for a TTRO under the Road Traffic Regulation Act for processions and the timescales associated with this process means Road Services team will require longer than the normal 28 day notification period required under the Civic Government (Scotland) Act 1982. In these circumstances 12 weeks notice is necessary to enable the Council to meet its statutory obligations.

Roads Services: Events & Project Development Team

Waverley Court
Level C.1
4 East Market Street
Edinburgh
EH8 8BG

Telephone number: 0131 529 3433

email: marchesandparades@edinburgh.gov.uk

The City of Edinburgh Council's Public Safety Unit is to act as a public safety advisory service to those wishing to organise an event within Edinburgh, as well as ensuring compliance with current legislation and provide expert guidance on issues relating to safety at the event.

Public Safety representative(s) where appropriate will co-ordinate meetings/discussions in all matters relating to the safety of the event, and as part of this make a decision as to what organisations should be involved once the main details of the event are known, (NB. The number of organisations depends entirely on the nature of the event and the number of organisations can also change throughout the planning process).

Public Safety
Waverley Court
Level 2.6
4 East Market Street
Edinburgh
EH8 8BG

telephone: 0131 529 4559
email: publicsafety@edinburgh.gov.uk

3 PROVISIONS OF THE POLICY AND CODE OF CONDUCT

The Policy and Code of Conduct sets out (1) the issues which the Council requires to consider when dealing with the notification of a procession and (2) the conditions, requirements and restrictions (where appropriate) the Council and/or the police can impose upon procession organisers and participants of any procession. This represents a general approach and 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, businesses and communities. The police, too, have a critical role in upholding the law in and around processions.

In considering the notification of a procession and in determining whether to approve a procession or otherwise, the Council will take into account the following provisions as set out in this Part 3 of the Policy and Code of Conduct. The undernoted conditions, requirements and restrictions (where appropriate) shall apply to the procession organiser and participants of any procession:

3.1 General

The procession organiser must:

- co-operate with the Council and the police from the time of submission of the notification form until the procession disperses;
- identify himself/herself to the police commander at the commencement of the procession; and
- ensure that all participants have been informed of any conditions imposed on the procession (e.g. change to timing, route, etc).

3.2 The timing of and playing of music at processions

Processions will normally take place between 7.30am and 9.00pm. As a general rule no music will be played before 9.00am or later than 6.00pm. Council officers will exercise a degree of discretion to allow the playing of music out with these times on condition that it can be demonstrated by procession organisers, to the satisfaction of the Council, that the playing of music will not disrupt the life of the local community. This discretion will only apply to the playing of music after 6pm

and no later than 8pm. Depending on individual circumstances, discretion may allow for permission to be given for the playing of music no earlier than 8.30am, for local community processions taking place out with the city centre only.

In terms of the playing of music, further restrictions may be required after considering the type of premises on the proposed route e.g. residential developments, places of worship, football grounds and public houses. All processions will be required to cease playing music when approaching and passing places of worship where a recognised religious, cultural, or legal ceremony is taking place

Following the cessation of music on approaching a place of worship, and at the discretion of the police commander, the keeping of time by means of a single tap on a single snare drum may be permitted. The discretion of the police Commander would only be exercised when considered that it would ensure an efficient progression of the procession.

3.3 The procession route

In terms of procession routes, the Council will take the following considerations into account:

- the impact of the route on residents, businesses and transport users and seeking to balance the desire of the procession organiser for a particular route with the impact on other people affected by that route. The presumption is that processions, where practical, will avoid residential areas;
- the procession organiser's proposals for stewarding and other arrangements. In particular, the procession organiser will be required to provide suitably qualified and identifiable stewards at a ratio of one steward per ten Participants. A procession organiser's failure to make necessary stewarding arrangements will be considered a material factor in assessing future procession notifications;
- future planning arrangements will require to address the matter of traffic and pedestrian flow, when large processions are taking place, by investigating the introduction of breaks in the procession to minimise disruption to other users; and
- the responsibilities involved in managing traffic as referred to in Section 29 of the guidance issued by Scottish Ministers.⁴ The Council will work with procession organisers and the police to minimise any costs which may be payable by the procession organisers for traffic management deemed necessary depending on the nature of the procession. In certain circumstances where a restriction on Traffic flow is required to enable the procession to be progress safely a TTRO (Temporary Traffic Regulation Order) will be required to allow the procession to take place.

In addition, the procession organiser must:

- ensure that, wherever possible, processions follow main roads, rather than going through residential developments;

⁴ Guidance issued by the Scottish Ministers on 12 December 2006 under Section 65A of the Civic Government (Scotland) Act 1982

- ensure that routes are free of obstructions;
- ensure that all participants in a procession will march in a formation of not more than six and not less than four abreast, keeping to the near or left hand side of the street. This shall be subject to the following potential exceptions:
 - a. on one-way streets where the participants will keep to the right hand side to allow quicker progress and reduce time and disruption to the public.
 - b. participants will not be allowed to move off until in the correct formation; or
 - c. where there is an obstruction due to road works or another good cause, as determined by and agreed with the police commander. Wherever possible and practical under the circumstances, this should be agreed between the procession organiser and the police commander prior to the procession commencing.
- ensure all processions revert to not more than six and not less than four abreast formation as soon as practical or appropriate
- ensure that appropriate stewarding is provided to ensure 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. procession organisers should submit to any conditions imposed by the Council which will facilitate the ability of pedestrians to cross a procession route; and
- ensure all participants disperse as soon as the procession concludes.

3.4 Processions through the city centre

Princes Street has traditionally been one of the main thoroughfares used for parades and processions. Since the introduction of the trams this is no longer viable, and many parades have been displaced to other areas within the city centre including the High Street which is also regularly used as an event space. A number of complaints have been received about the use of the High Street for parades and processions. Parades using this route have disrupted tourist and business activity in that area. Particularly at weekends a number of wedding ceremonies or similar have been disturbed by the noise from bands taking part in parades. It is proposed that there should be special consideration for future use of the High Street for parades and processions and where possible alternative routes should be considered.

When considering notifications for processions taking place within or progressing through the city centre, the Council will:

- ensure that the relevant considerations set out in Part V of the Civic Government (Scotland) Act 1982 section 63(8) are taken into account; and
- require that procession organisers of all processions, who indicate that their route will go through the city centre, attend a meeting with Council officers and the police to agree suitable arrangements for individual processions which access the city centre.

3.5 Feeder and return processions

In the case of all notifications, including for feeder or return processions, disruption to the life of the community will be considered, in particular the impact on residents and businesses located on procession routes.

Feeder and return processions will be considered as separate notifications. The Council will require the submission of individual notifications for each Procession. A procession organiser, who intends to undertake feeder or return processions, will require to submit separate notification forms for each of these processions.

In instances where a procession organiser submits multiple notifications for the same date and for the same or similar routes, the procession organiser will be required to explain the need to hold multiple processions. The Council will take this explanation into account, along with the need to balance the rights of the procession organiser in terms of Article 11 of ECHR with the rights and freedoms of others, in determining whether it is necessary to prohibit or impose any restriction on a Procession.

Procession organisers will also be asked to identify other related processions on each notification they submit. If clarification is required, then the Council, in consultation with the Police, will determine whether the notifications should be considered as related processions and/or defined as a feeder/return procession.

The Council will seek to agree a voluntary code, with the procession organisers, on managing the number of feeder and return processions taking place in local areas as part of a longer term strategic agreement encompassing the use of Event Management Plans.

3.6 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;
- a report provided by the police in relation to the impact which policing the Procession will have upon wider police resources. Any other events which take place in the city on or around the proposed date of the procession and which will require policing and/or other resources will also be taken into account; and
- 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 council officers have assessed these reports, they will decide whether to:

- propose alterations to the proposed route;
- ask for stewarding arrangements to be strengthened; and/or

- recommend additional conditions or purposes that the procession is prohibited.

The impact of a procession will be assessed in its totality and the likelihood of any restriction or prohibition will be greater where the procession (including, for clarification, the procession organiser and participants) or its followers have previously:

- caused public disorder or damage to property;
- been involved in anti-social behaviour causing disruption to the life of the community; or
- failed to comply with police instructions on the day.

In addition, the procession organiser must:

- ensure anyone under the influence of alcohol or drugs is not allowed to participate;
- ensure that an appropriate risk assessment is carried out to identify the appropriate number of steward or marshals required to manage and control of those participating in processions. All stewards or marshals must:
 - have been trained to a suitable standard, as determined by the Council;
 - have the necessary maturity, character and temperament to carry out the duties required of them.
 - be briefed by the procession organiser and given guidance/instruction on their role prior to the procession;
 - carry proof of status;
 - co-operate with and take any necessary instruction from 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; and
 - be aware of the stewarding plan for the procession.
- accept that he/she is specifically responsible for the behaviour of all participants, including bands (where appropriate);
- undertake to use his/her best endeavours to assist the police in managing the behaviour of followers of the procession by encouraging stewards to advise those followers that abusive or violent behaviour is not acceptable and will not be tolerated;
- generally ensure compliance with this Policy and Code of Conduct and police instructions; and
- 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 any

notification received in the future from the procession organiser for a similar procession.

3.7 Cost recovery

Currently, the Council does not charge procession organisers for their processions. However, it may seek to recover costs incurred in the holding of processions or the events which take place at the assembly/dispersal of processions. This is in line with the statutory guidance issued to local authorities by the Scottish Government. It is considered reasonable that the Council should continue to ask procession organisers to meet costs for these services and facilities.

Costs may be recovered from procession organisers for a range of services and equipment provided to facilitate the safe and orderly conduct of their procession or event. For example, this can include safety barriers, the cost of putting in place traffic management arrangements including, among other things, a Temporary Traffic Restriction Order (TTRO), toilet provision to prevent public urination, and bins and clean-up services, to stop littering

It is considered fair that the Council should advise procession organisers in advance of any costs they will be required to meet. **Where charges are levied** there should be a consistent level of charges, depending upon the nature of the services or equipment that is required, which procession organisers should be asked to pay. This approach would address comments made by many of the principal procession organisers, as well as from the public who support cost recovery but have concerns about the ability of smaller procession organisers to pay.

The procession organisers of all processions where the Council will require to recover costs should, as a general rule, be notified in advance of the procession of the costs involved. There should be a clear and transparent pricing policy for recovering costs from procession organisers. Failure to meet the Council's costs will be considered a material factor in assessing future procession notifications.

3.8 Carrying of Halberds or weapons

The carrying of halberds or weapons is prohibited on all processions, unless permitted by prior agreement, subject to final agreement on the day by the police commander.

3.9 Encouragement of procession organisers to opt for alternative arrangements/events, rather than processions

A policy of encouraging procession organisers to opt for alternative arrangements / events rather than a Procession will be pursued in appropriate circumstances. Whilst it is recognised that the Council cannot compel a procession organiser to hold a static event rather than a Procession, it is considered that, following a full assessment of the legislative criteria, the holding of a static event may offer an acceptable compromise.

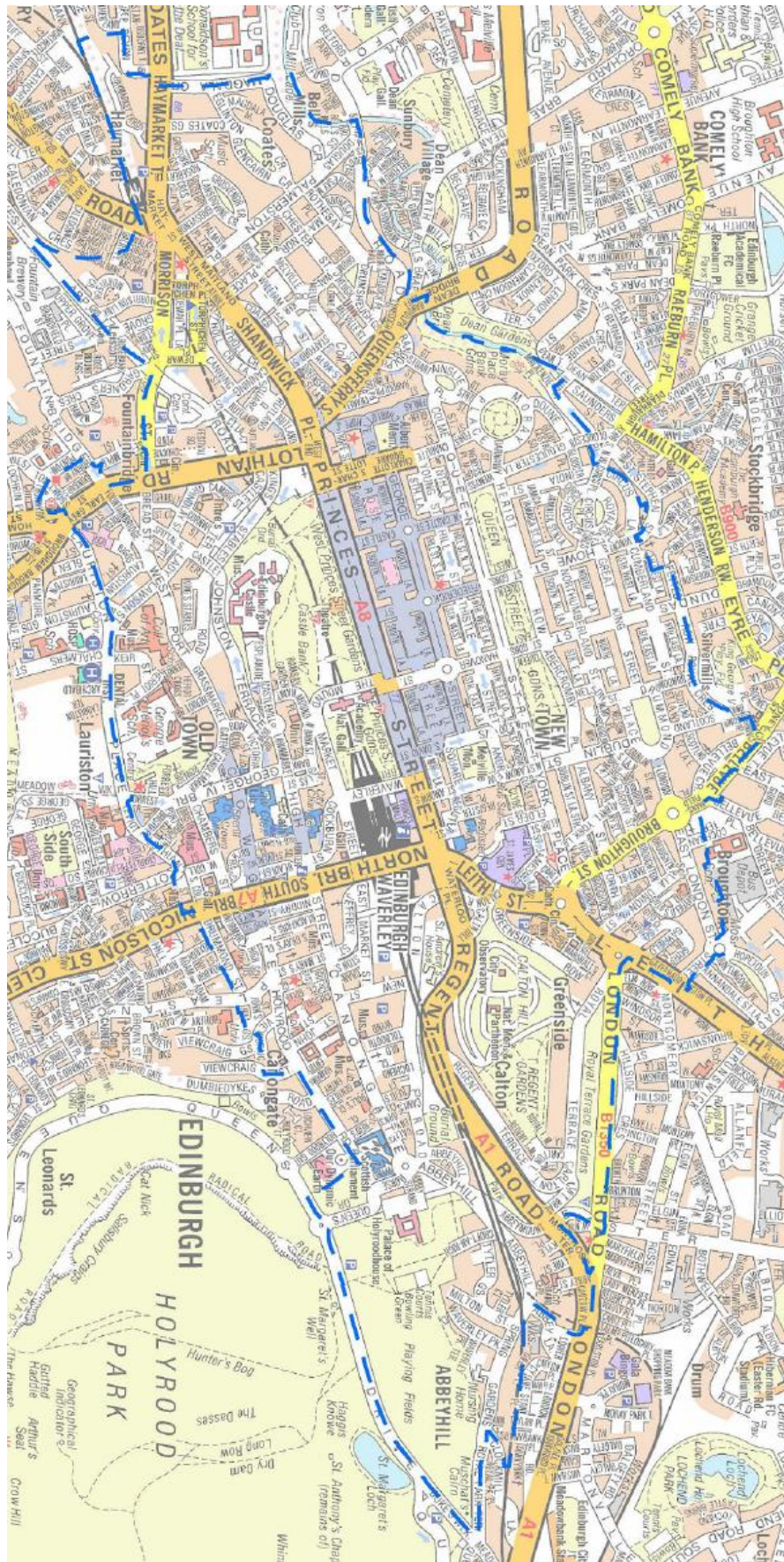
3.10 Additional legal requirements applicable to processions

- The conditions of Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers shall be observed;
- 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;
- The terms of the Public Order Act 1986 in relation to the powers of the Chief Constable during or immediately before a march or procession shall be observed;
- 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;
- 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;
- The terms of the Road Traffic Act 1988 in relation to the conditions which set out the powers of the Police shall be observed.

3.11 Additional information pertaining to participants

All participants in processions are required to:

- 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, as above
- 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 or drugs prior to or during the procession;
- not display flags relating to proscribed organisations or which are likely to cause offence; and
- disperse in good order as soon as the procession concludes.



Appendix B - Standard March Conditions

1. The procession moves off promptly at the times specified above.
2. The procession adheres to the stated routes.
3. The procession will at all times continue moving and no part will stop except for emergency purposes, on the direction of or with the agreement of the police / council officer, or at the procession route end.
4. After the procession concludes participants disperse at the specified times above.
5. Official(s) are appointed to liaise with the police / council officer and shall identify themselves to the police officer / council officer in charge at the assembly point before the commencement of the parade/procession.
6. Sufficient stewards and marshals shall be provided by the organiser of the parade/procession. Stewards and marshals will be readily identifiable and shall be present throughout to supervise the parade/procession and to ensure that all participants comply with directions.
7. A sufficient number of suitably trained medical personnel should be in attendance. The level of attendance is to be agreed with the Council.
8. Unless by prior agreement, all persons participating in the parade/procession shall not walk not more than six and not less than four abreast.
9. The terms of the Public Order Act 1936 in relation to the prohibition of the wearing of uniforms signifying any association with any banned organisation etc. shall be observed.
10. Unless by prior agreement, the use of any staves, wooden poles or other item shall not be used to display or carry banners, placards, flags or posters.
11. Banners, placards, flags and posters bearing inflammatory images or words will not be displayed.
12. The conditions of Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers shall be observed.
13. The conditions of the Environmental Protection Act 1990 shall be observed insofar as making noise during the parade/procession is concerned.
14. The organiser will assist the police/ council officers in ensuring that regular and appropriate passage across the parade/procession is allowed for traffic and pedestrians.
15. Any band or bands taking part in a parade/procession shall cease playing when approaching and passing any place of worship, or any other location where a recognised religious, cultural, or legal ceremony is taking place.
16. No vehicles or animals should be part of the procession unless by approval of Police Scotland and City of Edinburgh Council prior to the day of the event
17. Any instructions given by the police or council officers are immediately complied with.

Appendix C

Marches, Parades and Processions in Edinburgh Notification Form

As event organisers you should be aware of the Councils the Policy and Code of Conduct (add hyper link). It is important that you read it carefully and ensure you are aware of the responsibilities placed on you, as the organiser, on members of your own organisation and on members of any other supporting organisations.

The law is clear – the onus rests with you as the organiser to ensure that all participating are aware of their responsibilities.

Overview

The Council Policy and Code of Conduct on Public Processions draws from the Statutory Guidance issued in terms of section 65A of the “Act.” The Guidance for Scottish local authorities on marches and parades can be found at:

www.scotland.gov.uk/publications/2006/12/06144351

The guidance applies to all marches, parades and processions held in Scotland. At the present time, all organisations are included in the terms of the Act and notification of any march, parade or procession must be made to the relevant local authority.

The Law

In addition to the terms of Part V of the Civic Government (Scotland) Act 1982 organisers of any march, parade or procession should make themselves aware of the requirements and restrictions of the following statutes:

- Public Order Act 1936 – forbids people from wearing uniforms signifying association with any banned organisation(s);
- Public Order Act 1986 – relates to the power of the Chief Constable during or immediately before a march, parade or procession
- Terrorism Act 2000 – relates to relation to the wearing of clothing or items in support of a proscribed organisation
- Criminal Justice (Scotland) Act 2003 – relates to offences aggravated by religious prejudice
- Police, Public Order and Criminal Justice (Scotland) Act 2006

Local licences, restrictions etc

If an application to march etc is deemed acceptable, a ‘Letter of Confirmation’ will be issued to the organiser. However, the ‘Letter of Confirmation’ refers to the march only. If it is your intention to offer other forms of entertainment, for example a funfair, sale of goods or food, you should ensure that appropriate licence(s) are obtained. The Licensing Service staff will be only too happy to provide information and assistance and can be contacted at the address below:

Directorate of Place
Licensing Service
City of Edinburgh Council
City Chambers
249 High Street
Edinburgh
EH1 1YJ

or by Email to: marchesandparades@edinburgh.gov.uk

Tel: 0131 529 4208

Notice of proposal to hold a public procession

As the organiser of your event, you should give us at least 28 days' notice of your intention to hold a procession. In certain circumstances, for example, the unexpected closure of a local factory leading to redundancies, the 28 day notice may be waived. Each application for waiving of the 28 day notice will be considered by the Council in terms of the particular circumstances. If you cannot provide the notice needed, you should contact the Licensing Service at the address at the end of the form for advice to apply for an exemption. We can only make an exemption in exceptional circumstances.

You should read the attached code of conduct (add link) and fill in all sections of the form and:

- Send it to the Licensing Service address at the end of this form
- Keep a copy for yourself

On receipt of the notice of intention, a copy will be forwarded to Police Scotland who will make enquiries as appropriate to your application. It may be that a precursory meeting will be organised to discuss your proposals further.

Should it be deemed necessary, you may be asked to produce a risk assessment. This will lead to better and more informed decision making process.

Intimation of your intention to hold a procession will be notified on the Council's website and will also be passed to appropriate community bodies for their information and consideration.

Organising an event

While many parades or processions are community based, such as gala day events, they all require planning. Notwithstanding the 28 days notice required by the Act, you should try to give as much notice as possible giving an opportunity for the authorities to determine if there are other planned events already in place for your choice of date. For example, there may already be a larger event intimated which could make it difficult for the police to provide attention at your event.

Where a road closure or parking restriction is required a TTRO would be necessary to close any roads or to prohibit parking etc. The application process for a TTRO under the Road Traffic Regulation Act for processions and the timescales associated with this

process means Road Services team will require longer than the normal 28 day notification period required under the Civic Government (Scotland) Act 1982. A minimum of 12 weeks notice is required to allow the Council to meet its statutory obligations.

Considerations

What are the ages of the participants in the parade? Obviously, if you have a lot of younger children, you should have more stewards available.

Have you considered how far your parade will stretch once it starts? Consider the impact on local traffic and the local community.

How many stewards do you intend to have? This will depend on the nature of your event; the proposed route; has the event taken place previously; and how was your event received by the general public.

Are your stewards suitably experienced? Do you have anyone who has health and safety training? Are your stewards capable of dealing with eventualities? Have you considered what those eventualities might be? Have any stewards been trained in first aid?

Have you considered public liability insurance? What would happen if some damage was caused to a third party by virtue of your event being on the public roads?

Have you thought about litter issues at the marshalling point and the dispersal point for your event?

What will you do if you get very wet weather on the day of your event?

This list is by no means exhaustive and you may be asked to complete a risk assessment.

A risk assessment will help to:

Identify any dangers associated with holding it;

- Evaluate the level of any known risks;
- Decide who is at risk and in what way and how the risk to them could be got ride of; and
- Decide, where other types of risk have been identified, whether it would be possible to introduce appropriate measures to allow the procession to go ahead.

Next steps

We will assess the risks associated with holding your procession within the first two weeks of us receiving your notification and in certain circumstance may also ask for a risk assessment to be submitted. You should remember to keep a copy of this form for your records and bring it with you to any meeting which we may hold. This is because we and the police may want to raise issues with you about how their risk assessment compares to yours. In case there are problems, we may need further meetings.

Please provide the following:

Your contact details

Name:
Address:
Postcode:
Phone number:
Email address:

Name of organisation or band:

--

Date and start time of procession:

--

Date and finish time of procession:

--

Is the date of your procession particularly significant to the organisation please explain?

--

Reason for procession:

--

The proposed Route (and provide a plan of route):

--

(Continue on a separate sheet if necessary)

List road names to be closed

--

List road names to be subject to parking restrictions

Do you require the City of Edinburgh Council to supply equipment to close any roads or restrict parking to facilitate the Procession?

If the answer is no, what arrangements are you making for the required work?

Has your organisation held a procession along the same route before?

Have there been any difficulties or tensions in the recent past with holding this procession?

Number of people expected to take part:

Details and numbers of any vehicles and or horses in the procession:

Please provide details of the arrangements for controlling the event:

(Continue on a separate sheet if necessary)

Chief Steward's contact details

Name:

Address:

Postcode:

Phone number:

Email address:

Number of stewards attending:

Number of buses or coaches:

Please provide any extra information about the procession which you think may be relevant (reasons why it is not possible for this procession to be combined with other similar ones)

Please provide details about the return procession (if this applies)

Names of any bands, the names of each band member who will be taking responsibility for the bands and the approximate number of band members expected to take part.

The named band member must be present on the day and must identify themselves to the police. Name of bands:

Band A:

Band B:

Band C:

Name of responsible member for:

Band A:

Band B:

Band C:

Number of band members

Band A:

Band B:

Band C:

(Continue on separate sheet, if necessary)

At the end of the public procession, what are your arrangements for getting participants to go disperse?

Are you organising any other social events at the end of the public procession? (Please give details of what these are.) And will you need a police presence?

Do you charge for entry into any part of your event and/or charge people for participation in your event? This includes any charges for participation (including members of the public, stall holders, members sub-contractor etc

Yes / No

Are goods sold during your event?

Yes / No

Is the event a charitable fundraising venture?

Yes / No

Does the event involve filming of a commercial nature?

Yes / No

Have you taken out insurance to help cover for any risks arising from the procession?

Yes / No

Have you considered the policing and other associated costs for holding the procession?

Yes / No

If the local authority is holding a meeting, I would like to raise the following points?

1

2

3

4

5

Please provide any other supporting comments in this box.

NOTE: your application may be delayed without the full information listed above.

All information should be provided 28 days prior to your Procession / Event.

12 weeks notice may be required for events requiring a Temporary Traffic Regulation Order.

Declaration:

I understand that, as the event organiser, I am the person responsible for the event. Therefore, I will ensure that appropriate risk assessment and event plan will be in place.

If using a 3rd Party Traffic Management Contractor I confirm that I will ensure that there is appropriate signage, traffic management planning and sufficient public liability insurance in place (a minimum cover of £5,000,000).

I indemnify the City of Edinburgh Council against all claims for accident, damage or injury caused by, or in consequence of the event named.

I understand that if any litter / rubbish remains in the area as a result of the event that there will be a charge imposed on the event organiser should the Council have to remove it.

I have read and understand fully the guidance notes provided to me and will adhere to all responsibilities/duties required by the City of Edinburgh Council.

All information given in this application is correct to the best of my knowledge and belief.

Signature:

Date:

Name in BLOCK CAPITALS:

You may be contacted to arrange a meeting to discuss your notification in more detail.

Please return this form to:

Directorate of Place
Licensing Service
City of Edinburgh Council
City Chambers
249 High Street
Edinburgh

EH1 1YJ

or by Email to: marchesandparades@edinburgh.gov.uk

Tel: 0131 529 4208