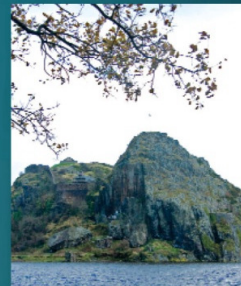


## REGULATORY SERVICES

# GUIDANCE AND CODE OF CONDUCT ON PUBLIC PROCESSIONS



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## **SECTION 1 - THE LAW**

On 1 April 2007 amendments were made to the Civic Government (Scotland) Act 1982 by the Police, Public Order and Criminal Justice (Scotland) Act 2006 in relation to processions in public.

The main changes to Part V of the 1982 Act are as follows:-

- The minimum amount of notice that organisers must give to the Council about their intention to hold a procession is raised from 7 days to 28 days.
- Various processions which were exempt from giving notice to the Council must give notice.
- The Council must consider a range of issues when deciding whether to prohibit a procession or to place conditions on the holding of it.
- The Council must 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 has had on public safety issues and how far those involved kept to any code of conduct or guidance; and
- The Council must keep a list of processions which have been held in West Dunbartonshire, or which have been prohibited, so the public can see which processions happen regularly and which are likely to happen in the future.

The 'right to freedom of peaceful assembly' is protected by the European Convention on Human Rights. In particular, Article 11 of the Convention sets out this right. The right to 'free assembly' is not an absolute one and can be restricted if needed to:

- protect national security or public safety;
- prevent disorder or crime;
- protect health or morals or
- protect the rights and freedom of others.

The restriction to be placed on the right to free assembly must also be in proportion so it is compatible with Article 11 of the Convention.

## **OTHER LEGISLATION**

Depending on the nature of the event, there is other legislation which may also apply to processions. This could include:

- The Public Order Act 1936, which forbids people from wearing uniforms signifying association with any banned organisations;
- The Public Order Act 1986, which relates to the powers of chief constables during or immediately before a march or parade; and

- The conditions in the Terrorism Act 2000 relating to being members of or supporting, or fund-raising for, an organisation forbidden by law. Local government licensing laws may also apply as may some road traffic law.

The following laws may also be relevant:-

- The Health and Safety at Work etc Act 1974 (to see what measures need to be taken for events which may carry a risk to health and safety).
- The Food Safety Act 1990 (where food is provided or sold at the event).
- The Occupiers Liability (Scotland) Act 1960 (duty of care so that people do not suffer injury and so on).
- The Land Reform (Scotland) Act 2003 (for making orders to temporarily prevent people from having rights of access to land).
- The Road Traffic Regulation Act 1984 and Roads (Scotland) Act 1984 for any restrictions which are to be put in place such as closing roads and diversions.
- The Police (Scotland) Act 1967 (which sets out the general powers of the police).
- The Control of Pollution Act 1974 (for the use of loudspeakers).

## **SECTION 2 - LOCAL LICENSING**

Depending on the nature of the procession, there may be a need for organisers to have licences, permits and/or certificates. These could include a public entertainment licence, an alcohol licence, a street trader's licence, a lottery permit, permission for a charitable collection or a market operator's licence.

Details on how to apply for any of the above can be obtained from the Council's website:

<http://www.wdcweb.info/law-and-licensing/licensing/civic-government-licensing/>

or

<http://www.wdcweb.info/law-and-licensing/licensing/licensing-board/>

## **SECTION 3 - STEP-BY-STEP GUIDE TO ORGANISING A PROCESSION**

Organisers should take account of the following matters when planning their procession:-

- (i) The Notice of Proposal must be submitted at least 28 days prior to the intended date of your procession.
- (ii) Organisers may be required to submit a risk assessment form. You will be advised by the local authority if this is required.
- (iii) If the local authority decide, having consulted with the Police, that the intended procession has to go through the entire administrative process, organisers may be required to attend meetings with Strathclyde Police and the local authority officers to discuss your intended procession.
- (iv) Organisers should bear in mind the number of participants likely to be involved in the procession to ensure that your organisation has adequate stewarding arrangements in place. There must be a minimum of 1 steward for every 10 participants.
- (v) Neither the Council nor the Police are responsible for the insurance of a procession. Furthermore, neither the Council nor the Police are responsible for any civil or criminal liability of an organiser or those attending a procession which liability arises from the holding of such a procession.
- (vi) Organisers should take account of any police involvement concerning the management of vehicles on roads and management of vehicles on land being used for a public event.
- (vii) Organisers should make themselves aware of Health and Safety issues that may arise as a result of the procession.
- (viii) Organisers should make suitable arrangements for Managing Waste and Hygiene if required.

- (ix) Organisers should have contingencies in place for any unexpected events that may arise.

## **SECTION 4 - CHECKLIST**

Organisers should also refer to the Guidance for Scottish Local Authorities - "Review of Marches and Parades in Scotland" published in December 2006 –

<http://www.scotland.gov.uk/Resource/Doc/159457/0043394.pdf>

together with the relative Process Chart –

<http://www.scotland.gov.uk/Resource/Doc/159457/0043395.pdf>

Organisers should also refer to the information available from the Council's website as detailed in Section 2 above.

## **SECTION 5 - ORGANISER'S RISK ASSESSMENT**

So that the Council and the Police are fully aware of possible risks, all organisers must complete, or have their risk assessor, complete the questions in the form "Risk Assessment" unless they are instructed otherwise by the local authority.

## **SECTION 6 - STEWARDING**

Note : The cost of training stewards is not the responsibility of the Council or the Police, however the Police may be able to help organisers in aspects of the training, especially so that stewards know when to seek police assistance during a procession.

It is suggested stewards receive training in:-

- How to handle emergencies.
- Crowd control.
- Basic first aid.
- The public order laws and other relevant legislation for example health and safety law.
- Understanding the powers and duties of the Police.

Stewards should wear high-visibility jackets which make them visible at all times. The chief steward should give all stewards a formal and detailed briefing on the day of the procession which briefing should include:-

- The general duties and deployment of stewards.
- The conditions which have been placed on the procession.
- Any police instructions that have been given about the procession; and
- What communication channels will be used on the day of procession.

Chief stewards should also go to any debriefing meetings to share their account of the way the procession was handled and any concerns arising which can then be dealt with for future processions/events.

The police's role is primarily to ensure the conditions of the procession are upheld, to

ensure safety on a road that remains open to traffic, and to tackle criminal and anti-social behaviour. It is not normally the police's role to marshal or escort a procession; that is the role of stewards provided by the organiser. The council require organisers to provide stewards in a ratio of 1 steward/marshal per 10 participants. The council will normally ask organisers to produce a stewarding plan which describes the stewarding ratio, the clothing to be worn, the duties of the stewards, and the competence and conduct expected of them.



## **SECTION 7 - CONTACTS**

Council Contact : Licensing Team, Rosebery Place, Clydebank, G81 1TG

Tel : 01389 738742

email : [licensing@west-dunbarton.gov.uk](mailto:licensing@west-dunbarton.gov.uk)

(The Licensing Team will co-ordinate queries with other council officers and outside organisations like Strathclyde Police and Strathclyde Fire and Rescue Service.)

Police Contact : Operational Planning, 'L' Division Headquarters, Stirling Road, Dumbarton, G82 3PT.

Tel : 01389 822000

email : [Ldiv.DCUOpsPlanning@Strathclyde.pnn.police.uk](mailto:Ldiv.DCUOpsPlanning@Strathclyde.pnn.police.uk)



## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

## **POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006**

### **CODE OF CONDUCT - PUBLIC PROCESSION**

(1)	A minimum of 28 days notice will be given to the Council of the intention to hold a procession. If possible, a greater period of notice should be given and notification should be made as early as possible in any instance in which a series of similar processions is proposed. Provision of a minimum of 28 days notice is a statutory requirement. Only in exceptional circumstances can a public procession take place without notification being given at least 28 days before the date of the proposed procession. In any instance in which a full 28 days notice is not given the onus is on the organiser to satisfy the Council that exceptional circumstances exist sufficient to justify the Council in making an Order waiving the legislative requirement for full 28 days prior notice.
(2)	The organiser shall co-operate with the Council and the police from the time of submission of the notification of intention to hold a procession until the procession disperses.
(3)	The organiser shall identify him or herself to the police officer in charge immediately on the assembly of the procession.
(4)	The organiser shall ensure that, in the event of the procession being cancelled, the Council and police are informed of this promptly and that the cancellation is confirmed in writing to the Council within 48 hours. No band other than the bands specified in the notification shall take part in the procession and in the event of any change in participants – including the withdrawal of any band specified in the notification – the organiser shall immediately advise the Council and the police.
(5)	The organiser shall ensure that all participants are informed of any condition imposed on the procession including any condition regarding change to timing or route.
(6)	The organiser shall ensure that any person under the influence of alcohol or drugs does not participate in the procession.
(7)	<p>The organiser shall ensure that the number of stewards or marshals present at the procession is in the ratio 1 steward/marshal per 10 participants and the organiser shall ensure that all stewards and marshals</p> <ul style="list-style-type: none"> <li>· are briefed by the organisers and given guidance and instructions on their role prior to the procession including written directions/instructions in respect of legislation;</li> <li>· carry proof of their status;</li> <li>· co-operate with the police as required;</li> <li>· are highly visible and easily identifiable by means of high visibility wear which cannot be confused with police attire;</li> <li>· conduct themselves in a proper manner;</li> <li>· ensure that participants comply with directions regarding their own public safety and that of all other members of the public.</li> </ul>

(8)	The organiser shall take responsibility for the behaviour of all participants and, where appropriate, bands and for ensuring general compliance with the Council's Code of Conduct on Public Processions and police instructions;
(9)	The organiser shall ensure that the behaviour of participants is not such as can be reasonably perceived to be aggressive, threatening, abusive, homophobic, sectarian or racist. The organiser shall exercise reasonable diligence to ensure that any follower of the procession also refrains from such behaviour, for example by bringing such matters to the attention of the Police as soon as possible;
(10)	The organiser shall ensure that, in the event that persons attached to or following the procession engage in behaviour which is aggressive, threatening, abusive, homophobic, sectarian or racist, and the police are of the view that the playing of music is exacerbating the situation, the organiser/band major should immediately instruct a band to cease playing when asked to do so by Strathclyde Police;
(11)	The organiser shall ensure that, wherever possible, proposed routes follow main roads and do not go through residential housing developments;
(12)	The organiser shall ensure that all participants do not march more than four abreast and that they keep to the near or left hand side of the street except on one way streets where they shall keep to the right hand side;
(13)	The organiser shall ensure that the police are assisted in guaranteeing that passage is allowed for traffic and pedestrians;
(14)	The organiser shall 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 and through any public area;
(15)	The organiser shall ensure that all playing of music ceases when approaching and passing places of worship as instructed by the police and, without prejudice to the foregoing generality, whenever services are in progress;
(16)	The organiser shall ensure that all participants disperse immediately the procession concludes.
(17)	The organiser shall ensure that all participants behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in any area in which there has, on any previous occasion, been public disorder in relation to processions;
(18)	The organiser shall ensure that all participants behave with due respect at sensitive areas such as areas adjacent to places of worship;
(19)	All participants must obey the lawful direction of procession organisers, stewards and the police at all times;
(20)	All participants must keep to the designated route as directed by the police;
(21)	All participants must refrain from consuming alcohol or drugs prior to or during the procession;
(22)	No flags relating to proscribed organisations or which are likely to cause offence shall be displayed;
(23)	All participants in processions shall disperse in good order immediately the procession concludes;
(24)	No halberds or weapons of any description shall be carried;
(25)	No obstruction shall be caused;
(26)	No procession shall commence before the hour of 7.30 am and no procession shall conclude after the hour of 9.00 pm;

(27)	Unless specifically stipulated in the notification, no band shall play or music shall be played before 9.00 am or after 9.00 pm.
(28)	<p>The procession and all participants shall comply with all legal requirements including, without prejudice to the foregoing generality</p> <ul style="list-style-type: none"> <li>· Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers;</li> <li>· The Public Order Act 1986 in relation to the prohibition of wearing of uniforms signifying association with any political organisations etc;</li> </ul>

**A copy of this Code of Conduct is provided to organisers alongside the notification form.**