

**REPORT TO: LICENSING COMMITTEE - 31ST MARCH, 2005**

**REPORT ON: MARCHES AND PARADES - PROPOSALS FOR REFORM**

**REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)**

**REPORT NO: 196-2005**

## **1.0 PURPOSE OF REPORT**

1.1 To advise Members of the Scottish Executive's proposals for reform of the law relating to marches and parades and to seek instructions for replying to the Consultation Paper containing these proposals.

## **2.0 RECOMMENDATION**

2.1 It is recommended that the Committee:-

- (a) note the proposals for reform of the law relating to marches and parades contained in the Consultation Paper "Supporting Police, Protecting Communities";
- (b) remit to the Depute Chief Executive (Support Services) to reply to the Consultation Paper on behalf of the Council as outlined in Paragraph 6.4 below.

## **3.0 FINANCIAL IMPLICATIONS**

3.1 None.

## **4.0 LOCAL AGENDA 21 IMPLICATIONS**

4.1 None.

## **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 None.

## **6.0 MAIN TEXT**

6.1 In June 2004, Sir John Orr, former Chief Constable of Strathclyde Police, was commissioned by the First Minister to review the procedures for local authorities dealing with notifications of intention to hold marches and parades. Following this review, a report entitled "Review of Marches and Parades in Scotland: A Report by Sir John Orr" was published on 24th January, 2005. This report contained 38 recommendations, some of which will require changes in the law. It is these changes in the law which are the subject of the current consultation.

6.2 The procedures for notifying local authorities of the holding of marches and parades are currently to be found in Part V of the Civic Government (Scotland) Act 1982. The organisers require to give notification to the local authority and the Chief Constable no later than 7 days before the march or parade is to take place. The local authority then has to decide whether to:-

- issue an order prohibiting the march; or,
- issue an order imposing conditions upon it eg as to date, time, duration, route, etc.

The organisation has a right of appeal to the Sheriff against any such order made by the local authority. Such appeals invariably involve argument as to the impact of Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) which governs the freedom of peaceful assembly and to association with others. These rights can only be interfered with to the extent allowed by the law and necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or the rights and freedoms of others.

6.3 The proposed changes are as follows:-

- that the notification period be extended from 7 days to 28 days to allow the local authority and police more time to consider the notification and to carry out any necessary consultations;
- that all marches and parades should be notified (at the moment, local authorities have the power to exempt certain organisations of the requirement to notify, eg youth groups);
  - a new procedure would be introduced to provide for:
    - publication of the notification;
    - a meeting between the organisers, local authority and police to discuss the notification;
    - representations to be made by any person (only the police require to be consulted at the moment);
    - a debriefing meeting after the procession has taken place;
- the local authority and police should prepare a "code of conduct" for marches and parades, which would be included in any order made by the local authority on the notification.

6.4 It is recommended that the Council supports these proposals. The increase in the notification period is especially welcome. However, the various procedures (eg meetings with the organisers) which will be required prior to a decision being taken on the notification may be unduly burdensome for those organisations which were previously exempt from the need to notify. The new proposals appear to suggest that the local authority may exempt these organisations from some of these post-notification procedures. It is recommended that the Council's response to this Consultation contains specific support for such an exemption.

## 7.0 CONSULTATIONS

7.1 The Legal Manager has been consulted in the preparation of this report.

## 8.0 BACKGROUND PAPERS

"Supporting Police, Protecting Communities: Proposals for Legislation" - Scottish Executive Consultation Document, February 2005.

"Review of Marches and Parades in Scotland - A Report by Sir John Orr", 24th January, 2005.

Depute Chief Executive (Support Services).

23rd March, 2005