
Report To:	General Purposes Board	Date:	1 July 2022
Report By:	Head of Legal & Democratic Services	Report No:	LS/058/22
Contact Officer:	Diane Sweeney	Contact No:	01475 712147
Subject:	Application to Hold a Public Procession by Port Glasgow District 19 Orange Order		

1.0 INTRODUCTION

- 1.1 The purpose of this report is to ask the Board to consider the application by Mr Mark Kitchen to hold a public procession on 2 July 2022. The application is made in respect of a parade due to be held by the applicant's organisation, the Port Glasgow District 19 Orange Order on 2 July 2022.

2.0 SUMMARY

- 2.1 Three objections have been received to the application to hold a public procession on 2 July 2022 in Port Glasgow. In accordance with the procedure for the Management of Public Processions, approved by the General Purposes Board on 13 June 2007, where an objection or representation has been received, and has not been withdrawn, a meeting of the General Purposes Board requires to be held to determine the application.

3.0 RECOMMENDATION

- 3.1 The Board are asked to determine the application in light of the objections received, and any representations made by the applicant and objectors and /or their representatives, and consider whether any conditions should be imposed.

Iain Strachan
Head of Legal & Democratic Services

4.0 BACKGROUND

- 4.1 An application by Mr Mark Kitchen seeking consent of the local authority to hold a public procession in Port Glasgow on 2 July 2022 was received by the Council on 20 April 2022. The application was made by Mr Kitchen on behalf of the Port Glasgow District Orange Order. Seventy people are expected to attend with one band in attendance.
- 4.2 The procession is due to start at 8.45 am and the proposed route, as per the application, is Boglestone Avenue (Orange Hall), Ardmore Road, Springhill Road, Highholm Avenue, Balfour Street, Shore Street, Princess Street, John Wood Street, Bay Street, and Fore Street. The return route as stated in the application and is due to start at 5.30pm is Marloch Avenue, Auchenbothie Road, Dubbs Road, Boglestone Avenue with dispersal at Port Glasgow Orange Hall.

5.0 CONSULTATIONS

- 5.1 In accordance with the procedure for the Management of Public Processions, approved by the General Purposes Board on 13 June 2007, consultation has involved consulting with the community by giving information on appropriate processions through the Council's website, libraries and emails to Ward Councillors and the relevant Community Council.
- 5.2 Consultations have been carried out as detailed above and also with Police Scotland, and the Council's Roads and Public Protection Service.
- 5.3 None of the ward Councillors have objected to the application.

6.0 OBJECTIONS

- 6.1 Police Scotland has no objection to the procession and has confirmed there will be a Police presence. Police Scotland has commented that this is an annual parade and there have been no reported issues in the past. The parade route has been examined and is considered to be in order all as detailed in the report of Police Scotland which forms **Appendix 1** to this report. Furthermore, Police Scotland has advised that the applicant has agreed to certain conditions as follows:

1. The provision of 9 stewards escorting the parade along the length of the route, all of whom will be distinguishable by high visibility clothing. This achieves the preferred stewarding ratio for Police Scotland.
2. To make participants aware of street furniture on the route, which may prove to be a hazard.
3. No music shall be played whilst passing any place of worship whilst services are in progress.
4. The applicant will be present and in charge of the parade.
5. The parade will not start without the presence of Police Scotland.
6. All Police Scotland instructions must be followed.

- 6.2 The Council's Roads Service has confirmed by email dated 1 May 2022 it has no objection to the proposed procession.

- 6.3 There have been three objections received in relation to the proposed procession:

1. Objector 1:

This objector has objected to the timing of the event, and the proposed route, commenting that the parade will pass St John the Baptist Church at 9.30 am, either prior to or after the service and pass St Francis of Assisi RC Church near the end of Mass at 5pm or as the congregation is leaving church.

This Objector has commented further:

No Parades/ processions should be allowed to pass any place of worship at least 30 minutes before or after any scheduled service.

The timing of these parades should be altered to protect the elderly members of the congregation, who attend both of the above churches, from any alarm or distress.

A copy of emails received from Objector 1 are set out in **Appendix 2** to this report.

2. Objector 2

This Objector has commented as follows:

The proposed route to Port Glasgow Town centre to disperse at Fore Street will cause inconvenience to early Saturday morning shoppers and residents in the town centre.

Main objection, is the return of the parade which is due to start at 5.30pm, and will mean passing St Francis RC Church just as Mass would be due to end.

Such marches should not be permitted to pass any places of worship regardless of denomination.

A copy of emails received from this Objector are set out in **Appendix 3** to this report.

3. Objector 3

This Objector has objected as follows:

Objection to the proposed route to Shore Street, Princes Street, John Wood Street and Fore Street.

Proposed alternative route of Boglestone, Ardmore Road, Springhill and Balfour Street/Brown Street, Lower Mary Street and Ardgowan Street.

The parade is on a Saturday, the busiest day of the week for local traders. The parade will cause disruption to local people and commuters. Public transport and traffic delays will occur through the town centre.

A copy of emails received from this Objector are set out in **Appendix 4** to this report.

7.0 RESPONSE OF APPLICANT

7.1 The applicant has been advised of the objections but has verbally indicated he is unwilling to alter the timing or route of the parade. No written response has been received by the applicant.

8.0 LEGAL POSITION

8.1 In terms of section 63 (8) (a) of the Civic Government (Scotland) Act 1982 the grounds upon which a local authority may prohibit or impose conditions on the holding of a parade are as follows:

- Public Safety
- Public Order
- Damage to Property
- Disruption to the life of the Community (e.g. closing of roads, rerouting of bus services, closure of shops, limited access for the community to the streets for a period of time).

8.2 Article 11 of the European Convention on Human Rights makes it clear that there is a right to assemble and to process in a public place. Freedom of peaceful assembly is a fundamental human right which can be enjoyed and exercised by individuals and groups. No restrictions shall be placed on the exercise of these rights other than such as are

prescribed by law and are necessary in a democratic society in the interest of national security or public safety, for the prevention of disorder or crime, for the protection of health and morals or the protection of rights and freedoms of others.

PROCESSION SUMMARY



Division: K **Station:** PAISLEY **Date:** 15/05/22 **Order No:** 66923

Day & Date of Procession: Saturday 2nd July 2022

Time outwards: 0845 hours

Time inwards: 1730 hours

Estimated number of persons in procession: 70

Name of band or association making application: Port Glasgow District 19 Orange Order

Applicant's name and address: Mark Kitchen, [REDACTED]
[REDACTED]

Route outwards: Orange Halls, Boglestone Avenue, Ardmore Road, Springhill Road, Highholm Avenue, Balfour Street, Shore Street, Princess Street, John Wood Street, Bay Street, Fore Street to War memorial (lay wreath)

Route inwards: Marloch Avenue, Auchebotie Road, Dubbs Road, Boglestone Avenue, disperse at Orange Halls.

Names of accompanying bands or bodies: Dykehead Flute band

Reason for holding Procession / Historical Background: (eg. Annual / First Application / Event / Anniversary etc) Annual Boyne parade

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Operations Planning Unit / Divisional Enquiry Officer Risk Assessment / Observations:
(Please complete table below)

OBSERVATION	HIGH RISK	LOW RISK	IF 'HIGH RISK' PLEASE COMMENT
Risk to public safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Risk to Public order?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Risk of damage to property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Likelihood of disruption to the community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please See Below
Any risk identified from a previous procession involving that parade / band / organiser?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If granted, will this parade present a risk?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Signature:

Rank: PS Ian Robertson

Sub-Divisional Officer

(Comments / Observations): This is an annual parade. There have been no reported issues in the past.

The parade route has been examined and appears to be in order. However, there is some likelihood of disruption to pedestrian and vehicular traffic should the parade go ahead.

The applicant was spoken to on 12/05/22 and has agreed to the following:

1. The provision of 9 stewards escorting the parade along the length of the route, all of whom will be distinguishable by high visibility clothing. This achieves the preferred stewarding ratio.
2. To make participants aware of street furniture on the route, which may prove to be a hazard.
3. No music shall be played whilst passing any place of worship whilst services are in progress.
4. The applicant will be present and in charge of the parade.
5. The parade will not start without the presence of the police.
6. All police instructions must be followed.

There are currently a number of competing events within the Division at this time however will not have any impact on this event

There are no Police objections to this application.

There will be a Police presence.

Signature:

Rank: PS Ian Robertson

Divisional Commander

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(Comments / Observations):

The Chief Constable, as a statutory Consultee to the Local Authority in connection with this proposed procession, submits the foregoing for consideration by the Authority. I am, on behalf of the Chief Constable, ready to attend any meeting which the Authority might arrange with those proposing to hold the procession to make further representations in support of this submission.

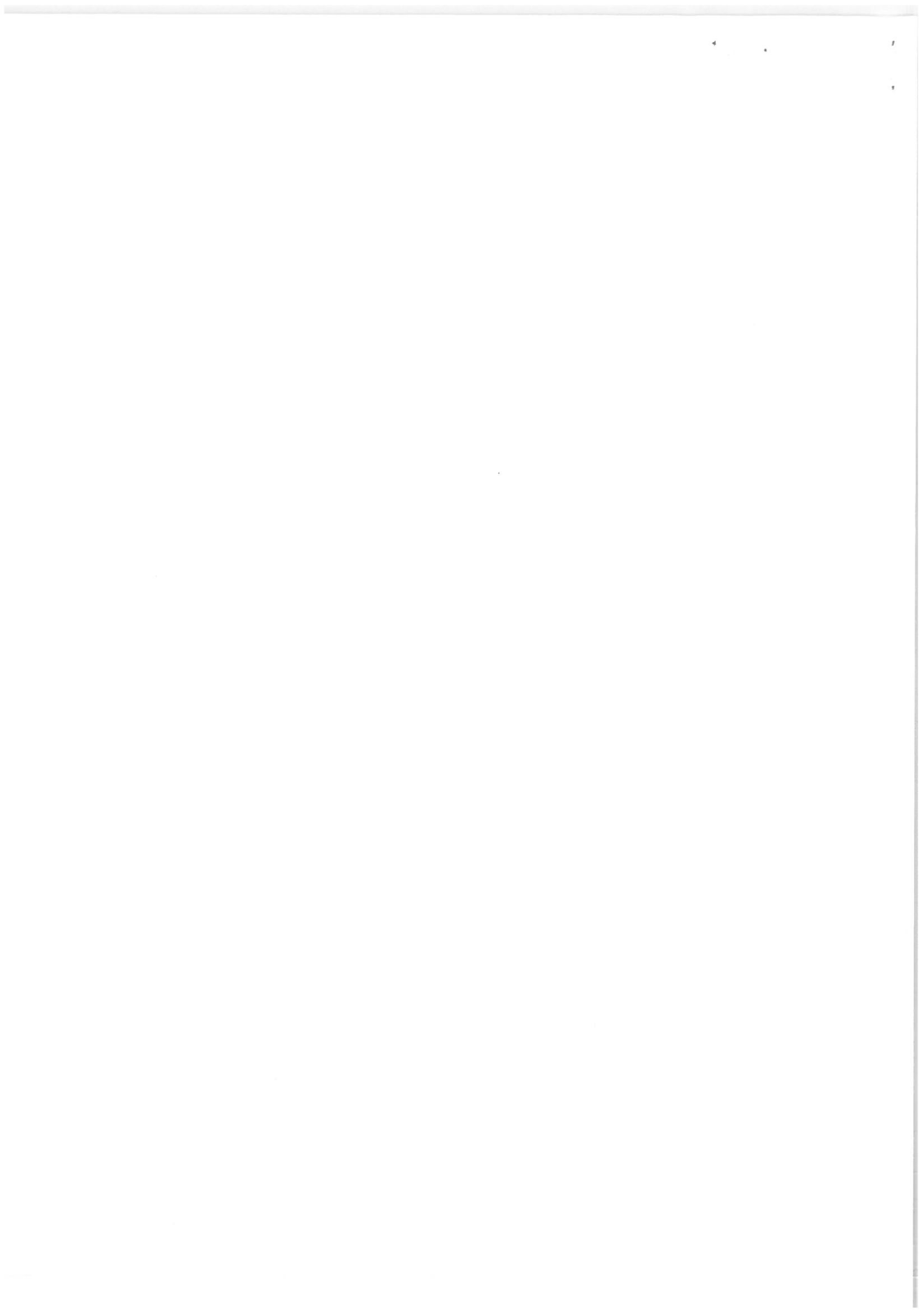
The Chief Constable recognises that should an appeal be marked to the Sheriff against a decision prohibiting a procession, or a decision imposing conditions on a procession, that there is no express, legislative requirement that the Chief Constable be convened as an interested party to such an appeal. Nonetheless, and in accordance with the Guidance for Scottish Local Authorities issued by the Scottish Ministers in terms of Section 65 (A) of the 1982 Act, the Chief Constable expects to be consulted by the Local Authority in connection with any decision which is reached or prohibiting a procession or placing conditions on it. That expectation would continue in the event of an appeal being marked to the Sheriff and particularly so in the event that the Authority contemplates reaching agreement with an Appellant to concede that a prohibited procession instead to be allowed to go ahead and / or alternate wording for any condition(s) to be put in place.

The Chief Constable is also content to indicate that Divisional Officers may be in a position to attend any such appeal proceedings as witnesses should it be felt relevant to lead evidence in connection with the Authority's decision.

Signature:

Rank: PS Ian Robertson

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APPENDIX 2A

From: Joe O'Rourke

Sent: 11 May 2022 12:40

To: Emma Peacock <Emma.Peacock@inverclyde.gov.uk>; Cllr Stephen McCabe <Stephen.McCabe@inverclyde.gov.uk>; Cllr Christopher Curley <Christopher.Curley@inverclyde.gov.uk>; Cllr David Wilson <David.Wilson@inverclyde.gov.uk>; rober.moran@inverclyde.gov.uk; Cllr Drew McKenzie <Drew.McKenzie@inverclyde.gov.uk>; Cllr Kirsty Law <Kirsty.Law@inverclyde.gov.uk>

Subject: Re: (Official) Notification of Public Procession

Good day Emma, and Local Councillor's.

I'm writing to you in response to the notification I received with regards to a parade/procession being held by the Local Orange Order in Port Glasgow on Saturday July 2nd of this year.

While I respect all people of Port Glasgow have the right to have a parade/procession, I believe, as I've said before, you must also respect the rights of the people of Port Glasgow to go about the daily business without interruption, or distress.

My opposition in this case is about the timing of the event, and the route being taken. They will leave Ardmore Road at 8.45am to walk to Port Glasgow town centre. At 9.30am every morning there is a celebration of Holy Mass in St John the Baptist on Shore Street. I believe that this parade/procession will pass the Church, either just prior to the beginning of Mass (when a lot of older people are making their way to Church) or just after Mass has started.

Similarly on the return journey. They will set off on Marloch Avenue at 5.30pm, Holy Mass is celebrated at 5pm every Saturday evening in St Francis of Assisi RC Church, which means it will pass the Church near the end of Mass, or just as the parishioners are exiting the Church.

I've said this in the past on a few occasions. No parades/processions should be allowed to pass any place of worship, at least 30 minutes before or after any scheduled service. I suspect the timing of these events has been set to coincide with the services in these two aforementioned RC Churches.

Finally, I believe that the timing of these parades/processions should be altered, or that the routes should be altered, in order to protect the many elderly members who attend both St John's and St Francis, (some on a daily basis) from any alarm or distress that could be caused.

I'll be very interested in the opinions of the recently elected Councillors, as well as the legal department.

Kind regards,
Joe O'Rourke,

Sent from my iPad

On 27 Apr 2022, at 17:11, Emma Peacock <Emma.Peacock@inverclyde.gov.uk> wrote:

Classification: Official

Dear Mr O'Rourke,

I refer to the above and attach for your information a copy of a Notice of proposal to hold a public procession in Port Glasgow on 2nd July 2022. Should you have any comments in this regard, I would be grateful if you could revert back to me in advance of Friday 27th May.

Kind regards,

Emma

Emma Peacock

Solicitor

Legal and Democratic Services

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

Email: Emma.Peacock@inverclyde.gov.uk

Tel: 01475712115

APPENDIX 2B

From: Joe O'Rourke

Sent: 24 June 2022 08:37

To: Anne Sinclair <Anne.Sinclair@inverclyde.gov.uk>

Subject: Re: (Official - Sensitive) Orange Order Parade 2 July 2022

Good morning,

Thank you for your email. Having read your email, it's obvious that nothing has changed since my initial email, so I continue in my belief that such parades/processions should not pass any place of worship at thirty minutes before or after a scheduled service.

Regards,

Joe O'Rourke.

APPENDIX 3A

From: tuckermulgrew
Sent: 27 April 2022 17:29
To: Emma Peacock <Emma.Peacock@inverclyde.gov.uk>
Subject: RE: (Official) Notification of Public Procession

Hi Emma

Thanks for your email regarding the Orange Order Parade scheduled for 2/7/22 I would like to raise an objection to this Parade as I feel its return time is both calculated and unnecessary firstly the Parade is scheduled to leave Marloch avenue at 17.30 which would take it past St Francis Roman Catholic Church just as 17.00 mass would be coming to an end which I have raised on several occasions there seems to be a concerted effort by the loyal orders to have this return Parade just as Mass is ending which has been the case for many years no matter what time mass was starting as when mass was 18.00 this return Parade would somehow be in conflict then too also as Marloch Avenue and Auchenbothie Road are not in anyway near the Orange Hall which is on Boglestone Avenue I feel this is a deliberate act by the Orange Order to be inflammatory by wanting to Parade by the Catholic Church just as Mass is ending I have no objection to anyone's right to March but I do object to marches going past places of worship whether they be Catholic Protestant or any other religion.

Thomas Mulgrew

Sent from my Galaxy

----- Original message -----

From: Emma Peacock <Emma.Peacock@inverclyde.gov.uk>
Date: 27/04/2022 17:09 (GMT+00:00)
To: tuckermulgrew
Subject: (Official) Notification of Public Procession

Classification: Official

Dear Mr Mulgrew,

I refer to the above and attach for your information a copy of a Notice of proposal to hold a public procession in Port Glasgow on 2nd July 2022. Should you have any comments in this regard, I would be grateful if you could revert back to me in advance of Friday 27th May.

Kind regards,

Emma

Emma Peacock

Solicitor

Legal and Democratic Services

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

Email: Emma.Peacock@inverclyde.gov.uk

Tel: 01475712115

From: Cllr Robert Moran
Sent: 28 April 2022 11:57
To: Thomas Mulgrew
Cc: Emma Peacock
Subject: Re: Orange order Parade

Hi Emma please find objection
Letter from my constituent
Mr Mulgrew for consideration
Robert .

Sent from my Vodafone Smart N10

On 28 Apr 2022 09:42, Thomas Mulgrew <[REDACTED]>
Dear Councillors

I received a email yesterday in Regards to a Loyal order Parade due to take place in Port Glasgow on the 2nd July 2022 for their annual Battle of the Boyne celebration I would like to raise an objection to this Parade for a couple of reasons firstly this Parade is due to start at 8.45am at Boglestone avenue and proceed to Port Glasgow Town Centre to disperse at Fore Street which means going round Town centre now how the parade can't turn left at Balfour Street to Ardgowan Street to disperse instead of causing inconvenience to the early Saturday morning shoppers in the town centre and also the residents of the town centre is maybe something that should be looked at but my main objection is too the return Parade which is due to start at 17.30 and parade along Marloch Avenue to Auchenbothie Road onto Dubbs Road to Orange Hall at Boglestone avenue now this return start time is for me a calculated one by the Parade organisers as this means passing St Francis RC Church just as 17.00 mass would be due to end now having raised this issue on several occasions on Past Parades going by at this time I find it incredible the Orange Order who have in the past changed the start time after objections should apply once more for a start time which quite clearly would cause a inconvenience to the Parishioners of St Francis getting home from mass and I have to ask the question as too why now considering the Orange Hall is no where near this route they want to walk also bearing in mind I think after the morning parade they then go off to the main Parade wherever that may be that they seem to want to rush home to parade with a band which isn't even from this area past a Roman Catholic Church just as Mass is ending begs the question as to why now I have no objection to anyone's right to March but surely in 2022 these marches shouldn't be allowed to pass any places of worship whether that be Catholic Protestant or any other religious place I look forward to your reply on this matter.

Thomas Mulgrew
[REDACTED]

APPENDIX 4A

From: Tommy Rodger
Sent: 03 May 2022 14:42
To: Emma Peacock <Emma.Peacock@inverclyde.gov.uk>
Subject: Re: (Official) Notice of Proposal to Hold a Public Procession

Hi Emma

As per our previous email (Apr 28th); please note that we do not object to people's right to free assembly, we do however object to this parade going along Shore Street, Princes Street, John Wood Street, and Fore Street. The parade can easily re-route onto Brown Street, Lower Mary Street and then onto Ardgowan Street.

This parade is again on a Saturday, the busiest day of the week for local traders, who will see their trade disrupted; plus local people and commuters will see public transport and traffic delays going through our Town Centre, particularly to access train links.

Please add these comments to our original objection.

Regards

Tommy Rodger
(Secretary)

On Tue, May 3, 2022 at 12:31 PM Emma Peacock <Emma.Peacock@inverclyde.gov.uk> wrote:

Classification: Official

Dear Tommy,

Thank you for your email. I acknowledge receipt and will revert back to you in this connection shortly.

Kind regards,

Emma

Emma Peacock

Solicitor

Legal and Democratic Services

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

Email: Emma.Peacock@inverclyde.gov.uk

Tel: 01475712115

From: Tommy Rodger

Sent: 28 April 2022 07:00

To: Emma Peacock <Emma.Peacock@inverclyde.gov.uk>

Subject: Re: (Official) Notice of Proposal to Hold a Public Procession

Hi Emma

We have continually objected to any marches through our Port Glasgow Town Centre, other than Remembrance Day marches.

We have objected to orange marches in previous years, and have compromised on a one-off basis to allow the previous march two years ago.

As we advised the Orange Order, at that time, two years ago, we will not compromise again.

We have no objection to Boglestone, Ardmore Road, Springhill and Balfour Street, **BUT**, totally object to Shore Street, Princes Street, John Wood Street, Fore Street for marches.

Please submit our objection to the proposed march, and ask them to re-route west, at the bottom of Balfour Street.

Is this email enough for an objection, or is there a form we need to complete. Either way, we totally object to the route after Balfour Street, we told their organisers before at one of our public meetings. No More marches through our Town Centre.

Regards

Tommy Rodger

(Secretary)

On Wed, Apr 27, 2022 at 4:43 PM Emma Peacock <Emma.Peacock@inverclyde.gov.uk> wrote:

Classification: Official

Dear Tommy,

I attach a copy notification for a proposed procession due to take place on 2nd July 2022 for your information as Secretary of Port Glasgow West Community Council. Should you wish to make any comment on this notification, please let me know as soon as possible but in any event no later than 27 May.

Please do not hesitate to contact me on the contact details noted below, should you require any further information.

Kind regards,

Emma

Emma Peacock

Solicitor

Legal and Democratic Services

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

Email: Emma.Peacock@inverclyde.gov.uk

Tel: 01475712115

APPENDIX 4B

From: Tommy Rodger

Sent: 24 June 2022 13:40

To: Anne Sinclair <Anne.Sinclair@inverclyde.gov.uk>

Subject: Re: FW: (Official - Sensitive) Orange Order Parade 2 July 2022

Hi Anne

Yes; our objection still stands, that the Parade be re-routed to avoid: Shore St, Princes St, John Wood St, and Fore St.; to avoid disruption to the Port Glasgow public and Town Centre traders.

Regards

Tommy Rodger
(Secretary)