
Report To:	General Purposes Board	Date:	12 June 2024
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/040/24
Contact Officer:	Anne Sinclair	Contact No:	01475 712034
Subject:	Notification by Gourock Defenders of the Faith L.O.L 345 to hold annual parade on 22 June 2024 through parts of Gourock		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 The purpose of this report is to ask the Board to consider the notification by the Gourock Defenders of the Faith L.O.L 345 for permission to hold a public procession through parts of Gourock on Saturday 22 June 2024 for the annual parade.
- 1.3 The notification has been submitted to the Council in terms of section 62 of the Civic Government (Scotland) Act 1982.

2.0 RECOMMENDATIONS

- 2.1 The Board are asked to consider the notification in light of the objection received by the Council and to determine whether permission should be granted to the Gourock Defenders of the Faith LOL 345 in order to hold the public procession for the annual parade.

Lynsey Brown
Head of Legal, Democratic, Digital & Customer Services

3.0 BACKGROUND AND CONTEXT

- 3.1 A notice of Proposal to hold a Public Procession was submitted to the Council by the Gourock Defenders of the Faith LOL 345 regarding the intention of the organisation to hold a procession on Saturday 22 June 2024 through parts of Gourock for the annual parade. This notice was submitted in terms of section 62 of the Civic Government (Scotland) Act 1982 on 9 May 2024.
- 3.2 The Notice of Proposal sets out the proposed route whereby participants will gather at Darroch Car Park at 4pm and proceed along Drumshantie Road, Kirn Drive, Arran Road, MacMillan Drive, Skye Crescent, Iona Crescent, Queensway, Ailsa Road, Divert Road, Bute Street, Arran Road, Tower Drive, Drumshantie Road back to the Darroch Car Park where the procession will terminate. The number of people expected to take part has been noted on the Proposal form as 70-80 with 1 band due to attend together with 1 bus.
- 3.3 Following receipt of the Notice of Proposal a copy of the notice with proposals regarding the procession was intimated on 10 May 2024 to Police Scotland, the Community Council and Ward Councillors for Gourock and the Council's Roads, Public Protection and Environmental Services. A Public Notice with details of the proposed procession was also published on the Council's Website and posted at Gourock Library on the same day. Consultees were asked to respond in writing to the Interim Head of Legal & Democratic Services by 24 May 2024.
- 3.4 There have been no objections from Police Scotland or any of the other consultees in relation to the proposed procession on 22 June 2024. Police Scotland submitted a report to the Council on 14 May 2024 with comments in relation to the proposal. A copy of the response from Police Scotland is set out in **Appendix 1** to this report. A total of one timeous objection has been received by the Council's Licensing Section from a member of the public. A copy of the objection is set out in **Appendix 2** to this report. The organisation is being given an opportunity in terms of the 1982 Act to make representation in writing in response to the objection should they wish to do so. Any written submission from the organisation in response to the objection which is received prior to the Board meeting, will be made available to members in advance of the hearing.
- 3.5 The organisation have been advised that they may be present or represented, either in person or remotely, at the meeting of the General Purposes Board to be held in relation to his application.
- 3.6 Article 11 of the European Convention on Human Rights sets out the "right to freedom of peaceful assembly and association". It is not an absolute right and a local authority may place restrictions on it if necessary. In terms of section 63 (8) of the 1982 Act the considerations to which the local authority shall have regard when deciding whether to prohibit the holding of a procession or impose conditions on it under this section shall include: --
 - (a) the likely effect of the holding of the procession in relation to --
 - (i) public safety;
 - (ii) public order;
 - (iii) damage to property;
 - (iv) disruption to the life of the community;
 - (b) the extent to which the containment of risks arising from the procession would (whether by itself or in combination with any other circumstances) place an excessive burden on the police.
 - (c) where the person proposing to hold the procession has previously held one in the area of the authority or the persons likely to take part in the procession, or some of them, are the same persons as took part in one previously held in that area, or some of them—

- (i) whether the previous procession was held in breach of a prohibition under this section on its being held or of a condition so imposed on the holding of it;
- (ii) whether any guidance or code of conduct issued by the authority as to the holding of the previous procession or as to the holding of processions generally was followed; and
- (iii) the effect of the previous procession in relation to the matters mentioned in sub-paragraphs (i) to (iv) of paragraph (a) above and in paragraph (b) above.

4.0 IMPLICATIONS

4.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty Children/Young People’s Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

4.2 Finance

There are no financial implications in respect of this report.

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

4.3 Legal/Risk

The organisation has recourse to the Sheriff Court in the event it wishes to appeal any decision of the Board.

5.0 CONSULTATION

5.1 Consultation has been undertaken with Consultees, including Police Scotland, Inverclyde Leisure, the Community Council and Ward Councillors for the ward, and the Council's Roads, Public Protection & Environmental Services

6.0 BACKGROUND PAPERS

6.1 None.

RESTRICTED**PROCESSION SUMMARY****POLICE
SCOTLAND****Division:** K **Station:** PAISLEY **Date:** 10.05.24 **Order No:** 76242**Day & Date of Procession:** Saturday 22nd June 2024**Time outwards:** 1600 hours**Time inwards:** n/a hours**Estimated number of persons in procession:** 70**Name of band or association making application:** Gourock Defenders of the Faith LOL 345**Applicant's name and address:** [REDACTED]**Route outwards:** Darroch car park, Drumshantie Road, Kirn Drive, Arran Road, MacMillan Drive, Skye Crescent, Iona Crescent, Queensway, Ailsa Road, Divert Road, Bute Street, Arran Road, Tower Drive, Drumshantie Road, Darroch Car Park.**Route inwards:****Names of accompanying bands or bodies:** Pride of the Village Thornliebank**Reason for holding Procession / Historical Background:** (eg. Annual / First Application / Event / Anniversary etc) Annual Parade.**RESTRICTED**

RESTRICTED

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"/>	Please see below
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 Richie Trutwin

Sub-Divisional Officer

(Comments / Observations): This is an annual event and there have been no 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 10/05/24 and has agreed to the following:

1. The provision of 7 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 several competing events within the Division which will not impact on this event.

There are no Police objections to this application.

Signature:

Rank: PS Richie Trutwin

Divisional Commander

RESTRICTED

RESTRICTED

(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 Trutwin

RESTRICTED

-----Original Message-----

From (Redacted email address)

Sent: 21-May-2024 10:47:08

To: Customer Services

Cc: Cllr Quinn

Subject: FAO: Head of Legal, RE: Objection to Plans for Proposed Public Processions, 22 and 29 June

Dear Head of Legal, I would like to object to two proposed public processions submitted to the Council – by Gourock Defenders of the Faith LOL 345 to take place on Saturday 22 June, as well as that proposed by the County Grand Lodge of Ayrshire Renfrewshire & Argyll to take place on Saturday 29 June.

These marches are sectarian and exclusionary in nature and go against the inclusive values that Inverclyde Council purports to uphold. They are hostile, anti-Catholic events and will make many residents and visitors feel unwelcome and vulnerable. These antiquated parades have no place in a progressive, forward-looking society and do not reflect the values of the majority of Inverclyde residents. I hope you consider my objections and that the proposals are denied. Best wishes, Shauneen Magorrian (redacted address)