
Report To: General Purposes Board **Date:** 9 October 2024
Report By: Head of Legal, Democratic, Digital & Customer Services **Report No:** LS/072/24
Contact Officer: Anne Sinclair **Contact No:** 01475 712034
Subject: Notification by Loyal Orange Lodge – District 19 to hold a Memorial Procession on 19 October 2024 through parts of Port Glasgow

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 Loyal Orange Lodge – District 19 to hold a public procession through parts of Port Glasgow on Saturday 19 October 2024 for a memorial procession and determine whether it is appropriate to make an order prohibiting the holding of the procession or necessary to impose conditions on the holding of it..

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 by the Loyal Orange Lodge – District 19 in light of the objection received by the Council and to determine whether it is appropriate to make an order prohibiting the holding of the procession or appropriate to impose conditions on the holding of the public procession.

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 Loyal Orange Lodge – District 19 regarding the intention of the organisation to hold a procession on Saturday 19 October 2024 through parts of Port Glasgow for a memorial for members. This notice was submitted in terms of section 62 of the Civic Government (Scotland) Act 1982 on 11 September 2024.
- 3.2 The Notice of Proposal sets out that the participants will gather at 2.45pm on 19 October 2024 with the procession proceeding along Boglestone Avenue, Ardmore Road, Springhill Road, Balfour Street, Shore Street, Princes Street, John Wood Street, Bay Street, Fore Street, and to the Cenotaph. The return procession will commence at 4.30pm and will proceed from Boglestone Community Centre, Dubbs Road, Boglestone Avenue with dispersal at the Orange Hall at Boglestone Avenue . The number of people expected to take part has been noted on the Notice of Proposal form as 60 with 1 band due to attend together with 1 bus.
- 3.3 Following receipt of the Notice of Proposal a copy of the notice regarding the procession was intimated on 12 September 2024 to Police Scotland, the Community Council and Ward Councillors for Port Glasgow 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 in Port Glasgow Library on the same day. Consultees were asked to respond in writing to the Head of Legal, Democratic, Digital Services by 27 September 2024.
- 3.4 There have been no objections from Police Scotland or any of the other consultees in relation to the proposed procession on 19 October 2024. Police Scotland submitted a report to the Council on 13 September 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. One objection has been received by the Council’s Licensing Section from the community council in Port Glasgow. A copy of the objection is set out in **Appendix 2** to this report. The organisation has been 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 and the objector 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 In terms of section 63 (1) of the 1982 Act the local authority may, after consulting the chief constable, make an order –
 - (i) prohibiting the holding of the procession; or
 - (ii) imposing conditions on the holding of it.
- 3.7 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 subparagraphs (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 (LOIP/Corporate Plan)		X
Equalities & Fairer Scotland Duty		X
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, 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.

PROCESSION SUMMARY

Division: K Station: Paisley Date: 13.09.24 Order No:
Day & Date of Procession: Saturday 19 th October Time outwards: 1445 hours Time inwards: 1630 hours Estimated number of persons in procession: 60
Name of band or association making application: LOL District 19
Applicant's name and address: Alan McLarty,
Route outwards: Boglestone Avenue, Ardmore Road, Springhill Road, Balfour Street, Shore Street, Princes Street John Wood Street, Bay Street, Fore Street, Cenotaph – gates require to be opened. Dispersal to bus.
Route inwards: Boglestone Community Centre, Dubbs Road, Boglestone Avenue, Dispersal at Orange Hall
Names of accompanying bands or bodies: Paisley Protestant Boys Flute Band
Reason for holding Procession / Historical Background: (eg. Annual / First Application / Event / Anniversary etc) Memorial parade for members who have passed away and were members of Port Glasgow 19 District.

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 Richard Trutwin

Sub-Divisional Officer

(Comments / Observations): This is an annual event and has caused no reported issues in the past.

The applicant does not feature on police systems for anything of note.

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 and has agreed to the following:

1. The provision of 8 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 is currently no other competing events within the division.

There are no Police objections to this application.

There will be a Police presence.

Signature:

Rank: PS Richard Trutwin

Divisional Commander

(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 Richard Trutwin

From: Tommy Rodger
Sent: 13 September 2024 13:33
To: Emma Peacock <Emma.Peacock@inverclyde.gov.uk>
Subject: Re: PG Public Procession 19 October

Hi Emma

As in previous year's, we , the Port Glasgow West Community Council, object to the orange order, marching through the Town Centre on a Saturday. We therefore object to this procession on Saturday 19th October.

Port Glasgow Town Centre is an already vulnerable trading centre, and this procession will disturb trade within the Town. It will also disrupt local residents from going about their business, e.g., shopping and other visits. The procession will cause disruption to public transport routes, and transport links between bus and train services.

Various groups have the democratic right march, and promote their views. We do not object to this procession, but we do object to the proposed route. When the procession reaches the bottom of Balfour Street, we propose that they can turn left, along Brown Street towards Ardgowan Street. Or alternatively, the procession can go down the Clune Brae, and along the A8, towards the Cenotaph, if that is their objective.

We strongly object to the procession going along Shore Street, Princes St, John Wood St, Bay St and Fore St. and disrupt Port Glasgow Town Centre business and local residents.

Regards

Tommy Rodger

(Secretary)