
Report To:	GENERAL PURPOSES BOARD	Date: 13 May 2011
Report By:	HEAD OF LEGAL AND DEMOCRATIC SERVICES	Report No: LA/696/11
Contact Officer:	LINDSAY CARRICK	Contact No: 01475 712114
Subject:	APPLICATION TO HOLD A PUBLIC PROCESSION MR WILLIAM MILNE – GREENOCK MURRAY CLUB	

1.0 INTRODUCTION

- 1.1 An application to hold a public procession to be held on Saturday 28 May 2011 was made on 10 March 2011 by Mr William Milne. The application is made in respect of an annual parade held by the applicant's organisation Greenock Murray Club.

2.0 CONSULTATIONS

- 2.1 Revised procedures involve consultation with the community by giving information on appropriate processions through the Council's website, libraries and letters to Ward Councillors and relevant Community Council's this being possible now that the normal minimum statutory period for applications is 28 days before the date of the proposed procession rather than the previous 7 days.
- 2.2 Consultations have been carried out as detailed above and also with the Chief Constable, Strathclyde Police and Head of Environmental Services (Roads).
- 2.3 Ward Councillors Grieve, McCormick, Moran, Osborne, Clocherty, McCallum, Blair, McKenzie, McIlwee and Brooks have made no written comment.

3.0 OBJECTIONS

Strathclyde Police are comfortable facilitating the outward component of this procession. The timing of the outbound component would reduce the impact on the community and available Police resources to a degree they consider acceptable, however an objection has been received from the Chief Constable, Strathclyde Police to the inbound component of the procession as detailed in his report which forms Appendix 1 to this report.

Appendix 1

4.0 RESPONSE BY APPLICANT

- 4.1 The applicant has been given an opportunity in terms of the Act to make representations in writing in response to the objection but, as yet, no response has been received.
- 4.2 The applicant has also been advised that he may be present or represented at the meeting to be heard in support of his application should the Board decide to hear him.

5.0 LEGAL POSITION

- 5.1 The grounds upon which a local authority may now prohibit or impose conditions on the holding of a parade are now 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).

6.0 CONCLUSION

- 6.1 The Board are asked to consider the matter in the light of the foregoing and to determine whether or not the application may be granted and whether any conditions need to be imposed.

Lindsay Carrick
Legal & Democratic Services

RESTRICTED**PROCESSION SUMMARY**

Division: K	Station: Paisley	Date: 05.04.11	Order No: K/88/11
Day & Date of Procession: 28.05.11			
Time outwards _____ 0845 _____ hours		Time inwards _____ 1645 _____ hours	
Estimated number of persons in processions: 60			
Name of band or association making application:- Greenock Murray Club			
Applicant's name and address: William Milne			
Route outwards: Terrace Road, Greenock, Regent Street, Roxburgh Street, Bank Street, Dempster Street, Ann Street, Drumfrochar Road, Broomhill Street, Prospecthill Street, Ann Street, Wellington Street, Duncan St, Roxburgh St, Sir Micheal St. High St. West Stewart St. Jamaica St. West Blackhall St. Dalrvmole St. Hood St.			
Route inwards: Drummond St, Dunlop St, Cornhaddock St, Drumfrochar Road, Lynedoch St, Regent St, Terrace Road.			
Names of accompanying bands or bodies: William Wilson Memorial Flute Band			
Reason for holding Procession/Historical Background: (e.g. Annual/First Application/Event/ Anniversary etc.) Annual Parade			
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?		X	
Risk to Public Order?		X	
Risk of Damage to property?		X	
Likelihood of disruption to community?	X		
Any risk identified from a previous procession involving that parade/band/organiser? If granted, will this parade present a risk?		X	
Are there concerns regarding competing events at that time?		X	
Signature: Colin McFarlane Rank: Sergeant K402			

5:16:2

RESTRICTED

Sub Divisional Officer

Strathclyde Police are comfortable facilitating the outward component of this procession. The timing of the outbound component would reduce the impact on the community and available Police resources to a degree we consider acceptable.

We would object to the inbound component as it would impact on our available resources and deprive the community of Police services at a time of peak demand. The length and nature of the route would require considerable Police resources to ensure safe passage with the resulting impact on the community, particularly in areas of high vehicular and pedestrian traffic. Further, there is a well documented history of inbound processions being more problematic, with this having already been brought to the attention of the Orange Order at a national level, and Local Authorities.

The applicant has been asked to make participants aware of street furniture on the route which may be a hazard. The applicant is aware of the preferred number of stewards and they shall be distinguishable by Hi Viz vests and fully briefed. The applicant has agreed to the provision of such stewards. The applicant has also been instructed that no music shall be played whilst passing any place of worship whilst services are in progress, and that all Police instructions must be followed.

There will be a Police presence at this event.

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 can 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 on 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 be allowed to go ahead and/or alternate wording for any condition(s) be put in place.