

REPORT

To: GENERAL PURPOSES COMMITTEE		Subject: PUBLIC PROCESSIONS – POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) BILL
From: DIRECTOR OF ADMINISTRATION		
Date: 9 May 2006	Ref: JAF/IL	

1. **Purpose of Report**

1.1 The report advises the Committee of further developments with regard to parliamentary consideration of the provisions of the Police, Public Order and Criminal Justice (Scotland) Bill in relation to public processions and of developments with regard to production of statutory guidance.

2. **Background**

2.1 The Committee, at its meeting on 26 October 2005, noted the introduction of the Police, Public Order and Criminal Justice (Scotland) Bill. In particular, the Committee noted that

- while the Bill, for the first time, specifies a range of matters to which local authorities shall have regard in deciding whether to make an Order banning or imposing conditions on a proposed public procession, the Bill provides local authorities with no additional powers and local authorities will, in considering notifications for public processions, remain constrained by the provisions of the Human Rights Act;
- the Bill does not cover the whole of the recommendations made in the report by Sir John Orr on marches and parades, and it is intended to give effect to a number of those recommendations through statutory guidance to be issued by Scottish Ministers;
- the explanatory note issued with the Bill acknowledges resource implications for local government, but assesses these at an unrealistically low level.

2.2 The Committee, at its meeting on 11 January, noted developments with regard to parliamentary consideration of the Bill.

3. **Further Developments**

3.1 It is understood that the Stage 3 Debate on the Bill will take place on 20 May: to date there have been no significant amendments to the Bill as first introduced and it is understood that no significant amendments are anticipated at Stage 3.

3.2 Work is proceeding on the preparation of the statutory guidance to be issued to local authorities. In particular, it is understood that this guidance will

- emphasise that local authorities require to keep in mind that the right of peaceful assembly is protected by the European Convention on Human Rights;

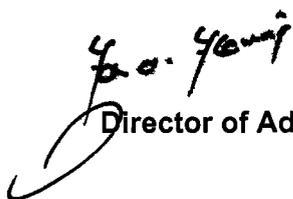
- state that the issue of police costs is not a material consideration of which local authorities can take account in determining whether to restrict or prohibit a proposed procession – although the availability of a sufficient number of police officers to patrol the march and keep order continues to be a material consideration;
- with regard to disruption of the life of the community, indicate that local authorities will require to address the question of whether the level of disruption is disproportionate to the exercise of the right to free assembly against the background of the acknowledgement that all processions, no matter how small, will cause some degree of disruption to communities and businesses. In this it is understood that the guidance will remind local authorities of the requirement to justify, under human rights legislation, any Order which prohibits or imposes a condition on a procession – and that any such Order will require to be a proportionate response to the level of disruption that the event may cause;
- require local authorities to publicise notifications received, invite representations and take account of both police comments and representations from any other individuals or bodies before determining whether an Order requires to be made restricting or prohibiting a proposed procession;
- encourage local authorities to hold precursory meetings involving the police and the notifier and debriefing meetings in respect of processions which have taken place involving the organiser, the police and community bodies.

4. Implications

- 4.1 A further report will be submitted to Committee as soon as the final terms of the guidance are known. It is, however, anticipated that the provisions of the Act will not be brought into force until 2007.
- 4.2 In the meantime, however, it is clear that the introduction of the new provisions contained in the Police, Public Order and Criminal Justice (Scotland) Bill, coupled with the provisions of the statutory guidance will require the Council to review its current procedures for considering public procession notifications. In particular it is clear that there will require to be a significantly increased number of meetings of the General Purposes (Public Processions) Sub-Committee.
- 4.3 There will, also, be a new requirement for a very significant number of meetings at officer level involving notifiers, the police and, in many instances, representatives of the community. These changes will have very clear and significant resource implications and it is advised that the assessment of resource requirements contained in the explanatory note issued with the Bill is at an unrealistically low level. In this connection representations continue to be made to the Scottish Executive.

5. Recommendation

- 5.1 It is recommended that the Committee, meantime, note the position.



Director of Administration

Members seeking further information on the contents of this report are asked to contact John Fleming, Head of Central Services on Extension 2228.