

GLASGOW CITY COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

Pride of the North Flute Band

A proposed procession in public by the organisation, Pride of the North Flute Band, was considered by the Public processions Committee on 11th September 2019.

The organiser had notified the Council of its intention to carry out a procession, to take place on 14 September 2019 commencing at 11:15am between Sunnyside Street and returning to Sunnyside Street, with around 60 participants.

You can read the full report that went to the Public Processions Committee here.

<http://www.glasgow.gov.uk/councillorsandcommittees/submissiondocuments.asp?submissionid=94775>

After having heard

(1) M Miller, Head of Licensing and Democratic Services, in further explanation of the report and who made representations regarding the risks to public safety, public order, damage to property and disruption to the life of the local community in relation to the proposed procession;

(2) Superintendent J McBride, Police Scotland; and

(3) Mr W Martin, on behalf of Pride of the North Flute Band, in support of the proposed procession, the committee agreed that the procession by Pride of the North Flute Band on Saturday, 14th September 2019 be prohibited in terms of section 63 (1) (i) of the Civic Government (Scotland) Act 1982.

The reasons for prohibiting the holding of the procession are:

1. The Committee concluded that, on balance, if the procession was allowed to proceed there would be a high risk to public safety, a risk to public order, a high risk of damage to property, and a high risk of disruption to the life of the community. These are relevant consideration in terms of section 63(8) (a) (i) (ii) (iii) & (iv) of the Civic Government (Scotland) Act 1982.
2. In reaching the above conclusion Committee considered whether there were any less restrictive measures which would mitigate the above mentioned risks and still allow the procession. The Committee concluded that the level of risk was so high that no condition imposed could satisfactorily mitigate the risks. The Committee also concluded that an extremely high police presence and use of police resources would not satisfactorily mitigate the risks.
3. Separately, as stated above, the Committee concluded that an extremely high police presence and use of police resources would not satisfactorily mitigate the risks. However,

the Committee concluded that the number of officers and amount of resources needed in the attempt to contain the risks would amount to an excessive burden on the police. This is a relevant consideration in terms of section 63(8)(b) of the Civic Government (Scotland) Act 1982.

4. The approach adopted by the Committee recognises the organiser's right of freedom of assembly. However, that right is not absolute and must be balanced against the competing rights of others. Those who live, work, shop, trade and carry on business in the area of the procession enjoy rights under Article 8 of the ECHR and Article 1 of the First Protocol to the ECHR. Committee also considered the risk of physical injury and persons suffering degrading verbal abuse, including the risks to members of the local community, the police and the participants in the procession. In terms of Article 3 of the ECHR all the groups mentioned have a right not to be treated in an inhuman or degrading fashion. On this occasion, given the extreme level of risk to members of the local community, the police and the participants in the procession, the Committee concluded that the prohibition of the procession was a proportionate measure.

In reaching this decision the Committee placed reliance on the written submission by Hazel Hendren, Divisional Commander, Greater Glasgow Division on behalf of the Chief Constable of Police Scotland (Appendix 1 to the Report by the Director of Governance and Solicitor to the Council) and verbal submission made by Superintendent John McBride on behalf of the Chief Constable of Police Scotland at the hearing.

The full submission can be found here;

<http://www.glasgow.gov.uk/councillorsandcommittees/viewDoc.asp?c=P62AFQDN0GZ3DN81DN>