

## APPENDIX

### CONSULTATION PAPER SUPPORTING POLICE, PROTECTING COMMUNITIES: PROPOSALS FOR LEGISLATION

#### Answers to Questions relating to Marches and Parades

**Question 21: Do you agree that organisers should be required to give local authorities and the police 28 days notice of their intention to hold a procession?**

Yes. Any extension in statutory notice is welcome. This increases the planning and preparation time as well as allowing discussion with the Organiser to ensure less disruption to communities. The Police would prefer that a minimum three calendar months was the period which would dovetail exactly with the requirements of their three month roster; and assist in the notification of Traffic Regulation Orders. It is also considered that, if the Organisers are able to give earlier indication they should do so in order to ensure that all applications are dealt with timeously.

**Question 22: Do you agree that the 28 days notice period should be dispensed with in limited circumstances?**

Yes. There will be occasions when organisers are unable to give the requisite notice. However, local authorities should be vigilant in enforcing time limits in respect of parades and marches that are planned on a regular basis to coincide with regular events, eg annual Festivals, celebrations, etc.

**Question 23: Do you agree that organisers of all marches and parades should give notice of their intention to local authorities and the police?**

Yes. It is essential that the Organiser advises of intention as far in advance as possible.

**Question 24: Do you agree there should be regulations setting out the key steps and timetable for taking decisions on notifications?**

Yes. However, a very tight (possibly impractical) timescale is imposed. This presents a situation whereby permissions could be granted as late as the evening before the event. This will not enable the Police, Organiser, etc to make the necessary arrangements in consultation with their colleagues. In the circumstances, the various elements of the consultation procedure could be seen as a guide rather than prescriptive. Guidance as respects risk assessment and impact analysis should be issued by the Scottish Executive. An alternative view, is that such regulations are unnecessary. Their introduction would be over prescriptive. Councils already have adequate decision making structures which can be used for marches and parades as well as they can for any other Council business. Not all the steps laid out will be required in every case. In many cases, publishing an advert in the local press will be of little value. The Council website could be used as an alternative means of notification.

However, on balance, it is considered that control by regulation will ensure that key steps regarding decisions are taken. For Organisers of Marches, consistency will best be served by regulation. However, care should be taken to ensure that the regulations are not restrictive and, act contrary to effective management of marches and parades.

**Question 25: Do you agree that local authorities should be able to take into account wider views, including community views, when taking decisions on procession notifications and that they should put in place transparent procedures as to how those views will be considered?**

Yes. However, the Scottish Executive should issue guidance as to what kinds of representations are appropriate eg human rights, etc. Consulting Community Councils would be appropriate but their decision making process would have to be speeded up to meet the deadlines. However, unless their views were specific ie relate to serious threats of disorder, that there may be a lack of transparency in relation to the manner in which those views are considered.

**Question 26: Do you agree that local authorities should be able to take into account wider issues when taking decisions on procession notifications?**

Yes. Wider grounds than those outlined should be able to be taken into account.

**Question 27: Do you agree that local authorities should be able to impose wider conditions on procession notifications?**

Yes. A wide range of conditions should be permissible as long as they are reasonable and not unduly onerous in the context of the particular event. It should always be a requirement that the organisers obtain adequate public liability insurance cover. Effective co-ordination on the road network is necessary.

**Question 28: Do you agree that there should be a code of conduct prepared by the police and local authorities?**

Yes. There should be a code of conduct as long as it is flexible and can be adapted to meet the needs of different types of event.

**Question 29: Do you agree that organisers and participants in breach of the new statutory requirements remain subject to the same penalties as currently?**

Yes. The same penalties should apply as at present. However, it is noted that it is unusual for any prosecutions to be brought. It is considered essential that the options remain in place.

In this connection it is noted that there has been no suggestion previously that the fitness of the organisers should be taken into account when considering "applications". Perhaps consideration should be given to this eg if the Organiser has a string of convictions in relation to the organisation of Marches and Parades, should he or she be given permission to organise another?