

FALKIRK COUNCIL

Subject: NOTIFICATION OF INTENTION TO HOLD A PUBLIC PROCESSION – BONNYBRIDGE SONS OF WILLIAM LOYAL ORANGE LODGE NO.211
Meeting: HEARING UNDER CIVIC GOVERNMENT (SCOTLAND) ACT 1982
Date: 20 June 2014
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 The purpose of this report is to consider a proposed public procession on behalf of Bonnybridge Sons of William Loyal Orange Lodge No. 211 which is intended to take place in Bonnybridge on Saturday 5 July 2014. Notification of the proposed procession was submitted by Mr Robert Fulton.
- 1.2 Bonnybridge Sons of William Loyal Orange Lodge No. 211 submitted their notice (attached as Appendix 1 to this report) on 12 May 2014. They propose to assemble at 4pm at Foundry Road, and proceed along Broomhill Road onto Bridge Street before heading up High Street, proceeding onto Dunure Street, then onto Larbert Road, then onto Peathill Road before concluding at the car park to the front of the Masonic Hall. A map of the proposed route is attached as Appendix 2 to the report. The notification proposes that approximately 60 marchers will be involved. Included within the procession will be the Ballymoughan Purple Guards band.
- 1.3 The organiser has confirmed that 10 stewards will be deployed to regulate the march. All stewards have been trained to Grand Lodge standards and will work closely with the Police.
- 1.4 The Bonnybridge Sons of William Loyal Orange Lodge No. 211 is a newly established Lodge and falls under the jurisdiction of the Bannockburn Orange and Purple District No.2 which also consists of 5 other local Orange Lodges, namely Bannockburn, Plean, Fallin, Airth and Shieldhill.
- 1.5 The proposed march is the second march being held in Bonnybridge on Saturday 5 July 2014. An earlier march at 9am is proposed by the Bannockburn Orange & Purple District No. 2 and will include the Bonnybridge Lodge. This is the subject of a separate notification and is being considered by Members separately on the agenda today. The march proposed by the Bonnybridge lodge is part of the annual July celebration.

2. DECISION MAKING FRAMEWORK

- 2.1 The Council's powers and duties in dealing with public processions are set out in the Civic Government (Scotland) Act 1982. As a result of the report by Sir John Orr on "Review of Marches and Parades in Scotland" published in January 2005, the legislation was subsequently amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006.
- 2.2 The legal starting point is the European Convention on Human Rights which provides in Article 11 that everyone has the right to freedom of peaceful assembly. This includes a right to march or parade. This right can only be restricted if it is necessary to:-
- protect national security or public safety;
 - prevent disorder or crime;
 - protect health or morals; or
 - protect the rights and freedoms of others
- 2.3 Any interference with the right of peaceful assembly must be proportionate, which means that the nature of any restrictions must be in proportion to the issues which the authority is trying to tackle.
- 2.4 The Human Rights Act 1998 incorporated the European Convention on Human Rights into UK law, enabling people to enforce their Convention rights in UK courts. Since October 2000, all UK public bodies have a statutory duty to undertake their functions in conformity with the Convention.
- 2.5 Strictly, the licensing authority does not give permission for public processions. The 1982 Act, as amended, provides that organisers must notify the Council of proposed processions. The fact that this is a notification procedure rather than a licence application reflects the fact that the right of peaceful assembly is a fundamental right in a democratic society. The Act provides that in considering whether to prohibit the holding of a procession or impose conditions on it, the Council shall have regard to the likely effect of holding the procession in relation to:-
- public safety;
 - public order;
 - damage to property, and
 - disruption to the life of the community.
- 2.6 The licensing authority can also take into consideration the extent to which the containment of risks arising from the procession would place an excessive burden on the police. However, guidance issued to local authorities under Section 65A of the 1982 Act makes it clear that police costs are not an issue that can be considered.

- 2.7 As detailed in Sir John Orr's report, there have been a number of key court decisions regarding Article 11 of the European Convention of Human Rights in relation to marches and parades. The key points from these are that:-
- it is appropriate to have an authorisation procedure to consider processions;
 - as long as the organiser's intention is for peaceful assembly, the possibility of violent counter demonstration is not reason alone for prohibiting processions;
 - the rights under Article 11 cover processions which annoy or give offence to people opposed to the ideas or claims that it is seeking to promote; and
 - states should protect those involved in processions and take reasonable and appropriate measures to enable lawful demonstrations to proceed peacefully.

3. PROCEDURES

- 3.1 Provision with regard to public processions is to be found in part V of the 1982 Act. This sets out, among other things, the notification process, the functions of the licensing authority and the matters to be taken into account in the decision making process. Section 65A of the Act also obliges the licensing authority to have regard to any guidance issued by the Scottish Ministers. Such guidance was issued in December 2006 and the authority therefore requires to have regard to it when reaching any decision on a proposed parade.
- 3.2 The procedures adopted by the Council for dealing with public procession notifications are outlined in the following paragraphs.
- 3.3 When a notification is received it is normally contained within a form prescribed by the Council and accompanied by a risk assessment, again in the form set out by the Council. Details of the organisation and the chief steward are required in addition to information about the proposed procession: date, time, location, and route, expected number of people taking part, control arrangements and the number of stewards attending.
- 3.4 A copy of the notification is sent routinely to local members, Police Scotland, the Scottish Fire and Rescue Service and the Roads Authority for comment.
- 3.5 Section 63(10) of the Act requires licensing authorities to "make sufficient arrangements to secure that any person, body or other grouping resident in or otherwise present in their area who makes a request for the purposes of [the Act] is enabled to receive information about processions which are or might be held in that area or any part of it." In this respect, and prior to issue of the 2006 Guidance, all Community Councils within the Falkirk Council area were asked if they wanted to be informed of any public processions taking place in their area. Those who responded in the affirmative were placed on an "opt-in list". This means that they are given an opportunity to make representations with regard to any particular march or parade in the area they cover. In the case of this particular notification, the relevant Community Council is Bonnybridge Community Council. They were accordingly consulted on this proposed procession.

- 3.6 In addition to having an “opt-in list”, details of proposed public processions are published on the Council’s website: www.falkirk.gov.uk, as is information on how to make a comment in relation to them.
- 3.7 Once responses have been ingathered, they are considered by licensing officers with a view to identifying any issues that require to be addressed in accordance with the Act and guidance. A precursory meeting with the organiser may be held. This meeting is usually an informal discussion between representatives from the organisation proposing to march, licensing officials and representatives from the Police. Such meetings provide a useful face to face opportunity for all those involved to discuss any issues or problems.
- 3.8 The Council has produced a list of standard conditions for public processions. They are attached as Appendix 3 to this report. The list is not exhaustive and can be added to or taken from having regard to the requirements of any particular procession.

4. CONSULTATIONS

- 4.1 As detailed in paragraph 3.4 above, the following persons or bodies were given a copy of the notification and responded as follows:-

Organisation	Response
Police Scotland	No adverse comment to make
Roads Authority	Bus Services will be disrupted and affect passengers across the area
The Scottish Fire and Rescue Service	No adverse comment to make.
Bonnybridge Community Council	Email objecting to the procession
Local Members	2 local members submitted emails outlining concerns expressed by constituents around possible disruption to the community and issues over public safety

5. BONNYBRIDGE COMMUNITY COUNCIL REPRESENTATION

- 5.1 Details of the notification were sent to Bonnybridge Community Council and they submitted an email by way of response. This is attached as appendix 4 to the report.
- 5.2 In the email the Community Council reiterates views expressed at a recent Community Council meeting in relation to proposed public processions in the area. In summary, the representation surrounds concerns that the proposed route involves travelling along congested roads populated by resident parked cars and a busy main bus route.

6. REPRESENTATIONS FROM THE PUBLIC

6.1 In addition to those persons and bodies detailed above, four representations have also been received in the form of a letter, petition and emails from the local Parish Priest and members of the public. In order to assist the Committee, the representations have been collated and categorised into the factors the licensing authority may have regard to as set out in paragraph 9.2 below. Representations that relate specifically to disruption to the life of the community are attached as Appendix 5. A petition objecting to the procession has been classified as no specific category as it did not contain any factors to base the objection. The licensing section was unable to ascertain the origin of the petition to clarify the basis for the objection. In summary the following representations have been received:-

- Disruption to the life of the community – 3
- No specific category – a petition containing 133 signatures

6.2 The representations have been redacted to remove sensitive personal information such as email addresses to ensure compliance with data protection rules.

7 ROADS ASSESSMENT

7.1 The Roads Authority confirmed that the proposed procession would impact on three major bus services in Bonnybridge. It is considered that the proposed march would result in inevitable delays and disruption to local bus services. They have concluded however, that the shorter route and significantly lower number of marchers will result in the procession having far less an impact than the earlier public procession in the morning. The bus services affected would include:-

- First 37/ X37 (Falkirk – Greenhill – Allandale – Glasgow) frequency every 30 minutes
- First 2 (Dunipace – Denny – Bonnybridge- Falkirk) frequency every 12 minutes
- First 27 (Falkirk – Bonnybridge – Banknock – Glasgow) – frequency hourly

7.2 The Roads Authority has also commented that should the march proceed then Scottish Canals should be notified and advised that the lifting bridge on Bridge Street should not be open at any time during the procession.

8. LOCAL MEMBERS

8.1 Two local elected members submitted email representations in response to the proposed notification. Concerns were expressed in relation to the possible disruption to the community and possible threat to public safety. Alternative routes were suggested and are included in the attached emails as appendix 6.

9. DETERMINATION

- 9.1 As noted in section 3 of this report, the organisers of a public procession must give written notice of their proposal to the licensing authority and the Police. The procession can then take place as notified unless the licensing authority, after consulting the Chief Constable, makes an order:-
- prohibiting the holding of the procession, or
 - imposing conditions on it.
- 9.2 The 1982 Act also sets out the considerations to which the licensing authority must have regard when deciding whether to make such an order. Those considerations include:-
- the likely effect of holding of the procession in relation to:-
 - public safety;
 - public order;
 - damage to property;
 - disruption of the life of the community.
 - 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;
- 9.3 With regard to considering disruption to the life of the community, the statutory guidance sets out that “all processions, no matter how small, will cause some disruption to communities and businesses. That is an inevitable consequence of holding processions. However, the degree of disruption may not, by itself (or with other events) be enough to prevent people from holding a procession, or from placing conditions on it. [The licensing authority] will need to consider the circumstances of each notification and assess how far the procession would affect the community or any individual or organisation who can reasonably be considered to be part of a community affected by the notification, and attach weight accordingly. However, the most important question which [the licensing authority] needs to tackle is whether the level of disruption which will or may be caused by a procession will be far greater than the right to free assembly and this means they need to place a restriction on the march.....Any decision to make an order which prevents a procession or places a condition on a procession will have to keep to the European Convention of Human Rights. As a result, it is important that any order which is made about a procession is a proportionate response to the level of disruption to the community that this event may cause”.
- 9.4 It is worth highlighting, too, that there have been a number of cases before the Scottish courts following decisions to prevent certain marches. These cases have made it clear that a Council cannot prohibit a march due to the nature of the views promoted by the organisation and concern that it might promote religious intolerance or sectarianism.

- 9.5 In the case of Aberdeen Bon Accord Loyal Orange Lodge 701 –v- Aberdeen City Council (September 2001) the court was of the opinion that the Council’s reasons for its decision were not made out and an outright ban was disproportionate. The Sheriff stated that “This right [under article 11] is not restricted to those whose views accord with the majority. It is the essence of a civilised democratic society that many points of view may be expressed in public.” The Sheriff went on to indicate that the right to public assembly may be restricted in certain circumstances but that it was for the public authority to show that it was necessary to curtail that basic right before any such restriction would be upheld. The action proposed needed to be proportionate to the risks which might arise and provide a reasonable response to the perceived risk. The Sheriff considered that a complete prohibition requires much more than “concern that the procession might promote religious intolerance and might interfere with the rights of other citizens to go about their business freely and lawfully ... it is the right of individuals and groups in a civilised society to express their views as long as neither the words nor their actions contravene the law. Tolerance is what is required in a democratic society and that includes toleration of views or sentiments which might not coincide with one’s own”.
- 9.6 In the case of County Grand Lodge of Ayrshire, Renfrewshire and Argyll –v- Argyll and Bute Council the Sheriff stated that “it seems quite clear that ... there is a right to individuals and groups to express their views as long as neither their words nor their actions contravene the law and the mere concern that the procession might promote religious intolerance or might interfere with the rights of other citizens to go about their business freely and lawfully is not sufficient to justify prohibition”. The case of Wishart Arch Defenders Loyal Orange Lodge 404 –v- Angus Council (April 2001) is in similar terms.
- 9.7 More recently, in the case of Provincial Grand Black Chapter of Scotland –v- West Dunbartonshire Council (August 2009), the Sheriff stated that “it is for [the licensing authority] to establish that there is a necessity for intervention and that any intervention will be proportionate to meet that need. Necessary implies the existence of a pressing social need and proportionality has to be assessed by the standards of a democratic society characterised by pluralism, tolerance and broadmindedness.....Following on from that it seems to me to be well established that an organisation such as the appellants must be able to hold their event without fear of disruption or violence from those of competing opinion. While it is the duty of a contracting state to take reasonable steps to enable lawful demonstrations to proceed peacefully they cannot be expected to guarantee that. What they must do is see what can be done to do that.”

10. ATTENDANCE

- 10.1 The organiser of Bonnybridge Sons of William Loyal Orange Lodge No. 211 and those who have made representations as detailed in the report have been invited to attend the meeting to be heard on the matter.

11. RECOMMENDATION

- 11.1 It is recommended that Committee considers the terms of this Report and any submissions made before determining whether it is necessary to make an order relating to the proposed public procession.

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Chief Governance Officer

16 June 2014

Contact Officer: Bryan Douglas, Licensing Co-ordinator (extension 1262)

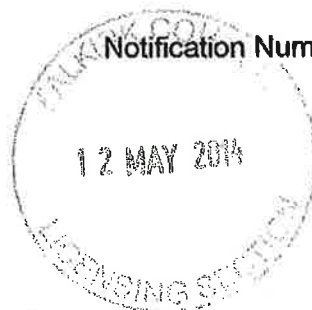
LIST OF BACKGROUND PAPERS

APPENDIX 1

Notification Number

PP 14/52

Civic Government (Scotland) Act 1982 As Amended

**NOTICE OF PROPOSAL TO
HOLD A PUBLIC PROCESSION**

Falkirk Council

PLEASE READ THE GUIDANCE NOTES FOR ORGANISERS ATTACHED TO THIS FORM

NAME OF ORGANISATION	BONNYBRIDGE SONS OF WILLIAM LOYAL ORANGE LODGE 211
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PERSON RESPONSIBLE FOR ALL ARRANGEMENTS:

NAME: ROBERT FULTON

ADDRESS: [REDACTED]

POSTCODE: [REDACTED]

HOME PHONE NO: [REDACTED] MOBILE PHONE NUMBER: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

CHIEF STEWARD'S DETAILS

NAME: ALAN KANE

ADDRESS: [REDACTED]

POSTCODE: [REDACTED]

HOME PHONE NO: [REDACTED] MOBILE PHONE NUMBER: 07 [REDACTED]

E-MAIL ADDRESS: [REDACTED]

LOCATION OF PROCESSION (ie Town)	NUMBER OF PERSONS LIKELY TO TAKE PART
BONNYBRIDGE	60

PROPOSED DATE OF PROCESSION	PROPOSED DAY OF PROCESSION	PROPOSED START TIME OF PROCESSION
5 TH June 2014	Saturday	1600

PROPOSED ROUTE: FOUNDRY ROAD - BROOMHILL ROAD - BRIDGE STREET -
HIGH STREET - DUNDRE STREET - LARBERT ROAD - PEATHILL
ROAD FINISHING IN CAR PARK IN FRONT OF MASONIC HALL

(please continue on a separate sheet, if you need to)

ARRANGEMENTS FOR CONTROL OF THE PROCESSION:

PARADE WILL BE CONTROLLED BY CHIEF STEWARD AND
APPROPRIATE NUMBER OF STEWARDS, WHO ARE ALL TRAINED

(please continue on a separate sheet, if you need to)

NUMBER OF STEWARD'S ATTENDING:

10

NAMES OF ANY BANDS AND THE NAMES OF EACH BAND MEMBER WHO WILL BE TAKING RESPONSIBILITY FOR THE BANDS. THE NAMED BAND MEMBER MUST BE PRESENT ON THE DAY AND MUST IDENTIFY THEMSELVES TO THE POLICE

NAME OF BANDS: BAND A: BALLYMOLSHAN PURPLE GUARDS, NORTHERN IRELAND

BAND B: _____

BAND C: _____

NAME OF RESPONSIBLE BAND MEMBER FOR: BAND A: GRAEME WALLACE

BAND B: _____

BAND C: _____

(please continue on a separate sheet, if you need to)

ANY OTHER RELEVANT INFORMATION:

ANNUAL JUNE CELEBRATION FOR OUR ORGANISATION

(please continue on a separate sheet, if you need to)

Signature of person responsible for the procession: 

Date of Application: 1-5-14

OFFICE USE ONLY

DATE RECEIVED	ORDER REQUIRED YES/NO	DATE PASSED TO	DATE RESPONSE RECEIVED	DATE OF DECISION	DECISION

Notification Number

Civic Government (Scotland) Act 1982 As Amended

**PUBLIC PROCESSION
RISK ASSESSMENT FORM**



Falkirk Council

PLEASE READ THE GUIDANCE NOTES FOR ORGANISERS ATTACHED TO THIS FORM

Name of Organisation

BONNYBRIDGE SONS OF WILLIAM LOYAL ORANGE LODGE NO 211

Section 1 - CONTACT DETAILS

NAME:

ROBERT FULTON

ADDRESS:

HOME PHONE NO:

E-MAIL ADDRESS:

POSTCODE

MOBILE PHONE NUMBER 9

DATE OF PROCESSION

TIME OF PROCESSION

5TH JULY 2014

1600

PROPOSED ROUTE: START AT FOUNDRY ROAD - BROOMHILL ROAD -
BRIDGE STREET - HIGH STREET - DUNDRE STREET - LARBERT
ROAD - PEATHILL ROAD FINISHING AT CAR PARK IN FRONT OF
MASONIC HALL

Section 2 - MAIN RISK ASSESSMENT

Question	You must provide supporting comments in the boxes below
Is the date of your procession particularly significant to the organisation?	THIS DATE IS SIGNIFICANT AS IT IS THE ANNUAL JULY CELEBRATION
Has your organisation marched along the same route before?	AS OUR LODGE ONLY OPENED IN NOVEMBER 2013 THIS WILL BE THE FIRST TIME.
Are there enough trained stewards to control the number of marchers expected?	YES ALL STEWARDS ARE TRAINED BY THE GRAND ORANGE LODGE OF SCOTLAND, THE TRAINING HAS BEEN APPROVED
Have there been any difficulties or tensions in the recent past with holding this procession?	NO AS THIS WOULD BE THE FIRST
Please assess the level of risk there may be to public safety. (Please also say whether risk is low, medium or high)	THE RISK TO PUBLIC SAFETY IS VERY LOW THE PROCESSION WILL BE WELL CONTROLLED AND MARSHALLED AT ALL TIMES AND SHOULD POSE NO THREAT TO PUBLIC SAFETY
Please assess any risk to public order. (Please also say whether risk is low, medium or high)	AGAIN THERE SHOULD BE NO THREAT TO PUBLIC ORDER DUE TO NO ENCOURAGEMENT BEING GIVEN TO FOLLOWERS AND THE PARADE BEING WELL MARSHALLED THE RISK IS LOW.
Please assess the risk of damage to property. (Please also say whether risk is low, medium or high)	THERE WILL BE NO RISK OF DAMAGE TO PROPERTY FROM THE PROCESSION
Please assess the risk of disruption to local businesses, the community or shoppers and traffic from holding the procession. (Please also say whether risk is low, medium or high)	THE RISK AGAIN IS LOW IT IS ONLY A SMALL PROCESSION WHICH WILL TAKE LESS THAN A MINUTE TO PASS ANY GIVEN POINT AND WILL NOT STOP OR PREVENT THE COMMUNITY OR SHOPPERS FROM GOING ABOUT THERE BUSINESS. THERE WILL BE MINIMAL DISRUPTION TO TRAFFIC
Taking account of all the information in this table, what is your opinion of the overall risk of holding the procession? Is it low, medium or high?	THE OVERALL RISK IS LOW DUE TO IT BEING A SMALL AND SHORT PROCESSION AND THE STEWARDING BEING HIGH.

Section 3 - OTHER INFORMATION

Main Considerations	Supporting Comments
At the end of the march, what are the arrangements for getting marchers to go home?	COACHES WILL BE AVAILABLE TO REMOVE ALL PARTICIPANTS FROM THE AREA AT THE END OF THE PARADE
Are you organising any other social events at the end of the march? (Please give details of what these are) Will you need a police presence?	A MEAL IS BEING SERVED FOR THE BAND AND MEMBERS ONLY IN THE ROYAL HOTEL NO POLICE PRESENCE WILL BE NECESSARY
Is the proposed route shown on your notification a route that your organisation commonly uses?	AS THE LODGE HAS OPENED IN NOV 2013 THEN NO
Have you taken out insurance to help cover any risks arising from the procession?	COVERED BY PUBLIC LIABILITY INSURANCE IN THE NAME OF THE GRAND ORANGE LODGE OF SCOTLAND
What is your assessment of the risks to marchers if the route passes through communities which may be against the march?	THE MARCH DOES NOT PASS THROUGH ANY SUCH AREAS OR COMMUNITIES AND STICKS TO MAIN ARTERIAL ROUTES.
Do you have enough security in place for any coaches and other vehicles used by the marchers?	YES THE COACH DRIVER WILL BE WITH THE COACH AT ALL TIMES AS WILL A STEWARD
Have you considered the policing and attendant costs for holding the procession?	YES THEY SHOULD BE MINIMAL AS IT IS A SMALL PROCESSION AND SHORT.
Have you assessed what other priorities there may be in the area on the day of the march?	YES AND TO OUR KNOWLEDGE THERE ARE NO OTHER MAJOR EVENTS
Have you considered the effect on the community as a whole if the march went ahead?	THERE SHOULD BE NO EFFECT ON THE COMMUNITY
Could you combine this procession with other similar events in the area? If not, why not?	NO THERE IS NO OTHER EVENT

Section 4 - FINAL ASSESSMENT

If the local authority is holding a meeting, I would like to raise the following points about this risk assessment:

- 1.
- 2.
- 3.

Please provide any other supporting comments below:

THE ORANGE ORDER HAS NEVER CAUSED ANY PROBLEMS IN THE AREA
AND WE ONLY USE TRAINED STEWARDS WITH ALL PARTICIPANTS
HAVING TO ADHERE TO A STRICT CODE OF CONDUCT

Section 5 - DECLARATION

I have assessed the risks associated with holding the above procession.
I will attend any meeting which may be necessary.

Signature of person carrying out the risk assessment:.....

Name (BLOCK CAPITALS): ROBERT FULTON

Relevant qualifications of the person carrying out the risk assessment:

CARRY OUT RISK ASSESSMENT ON DAILY BASIS BOTH GENERAL
AND SITE SPECIFIC AND AM FULLY TRAINED THROUGH DORK.

Signature of organiser:.....

Name (BLOCK CAPITALS): ROBERT FULTON

Date: 29-4-14

Please return the filled-in risk assessment form with the notification form.

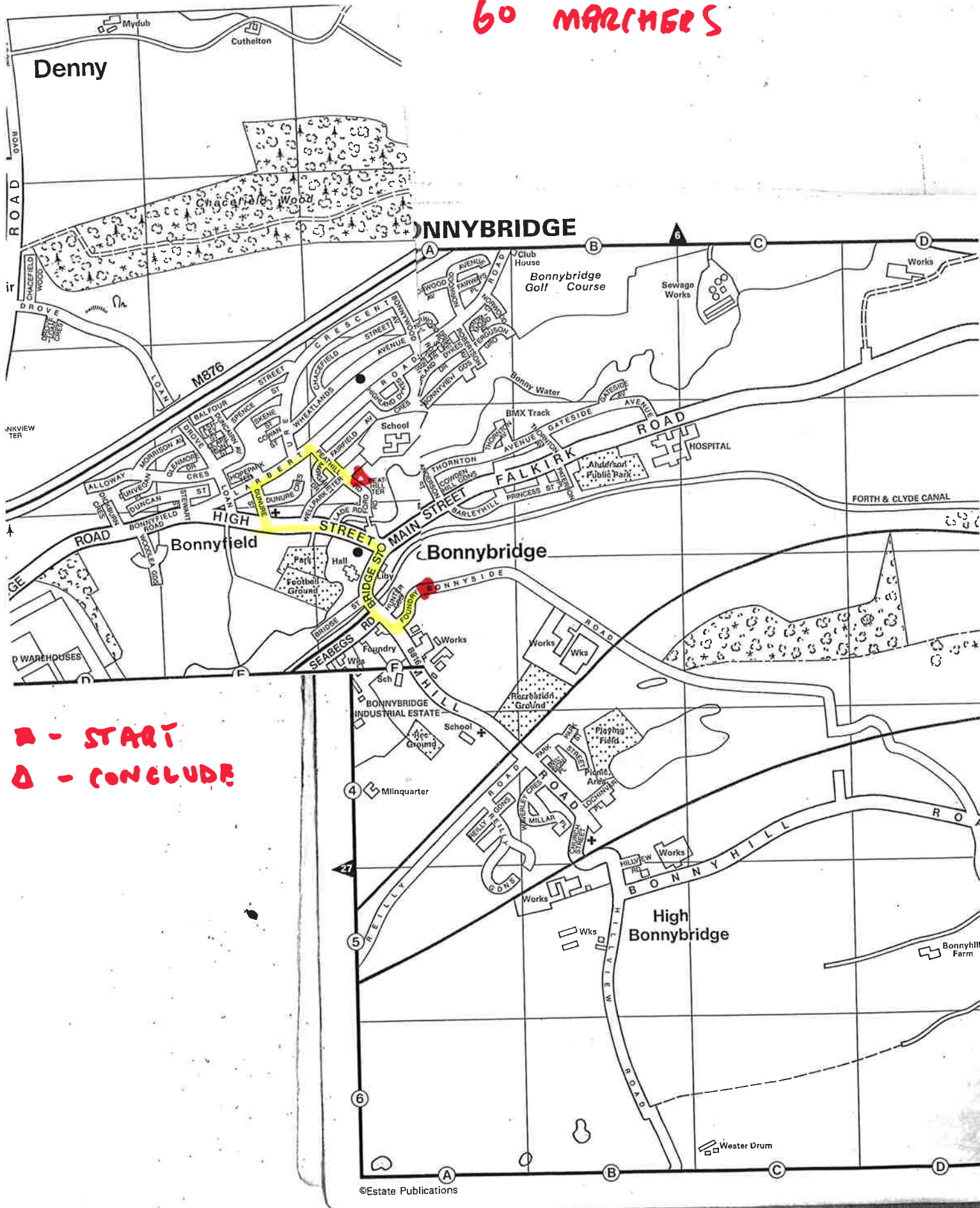
NOTE: A copy of your assessment will be sent to Central Scotland Police

OFFICE USE ONLY					
DATE RECEIVED	ACCEPTED/REFUSED AND REASON	DATE PASSED TO	DATE RESPONSE RECEIVED	DATE OF DECISION	DECISION

Bonnybridge Sw 4 pm

APPENDIX 2

60 MARCHES



FALKIRK COUNCIL

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
STANDARD CONDITIONS APPLICABLE TO PUBLIC PROCESSIONS**

1. The organiser of the public procession shall liaise with Police Scotland prior to the day of the event.
2. The organiser of the public procession shall identify him/herself to the Senior Police Officer in charge, prior to the commencement of the procession.
3. The organiser and participants shall adhere strictly to and abide by any Police instructions given on the day of the procession
4. The procession shall commence at the prescribed time.
5. Sufficient stewards and marshals must be present and clearly identifiable.
6. The procession must keep to the agreed route, unless instructed by the Police to re-route.
7. If considered inappropriate by Police no halberds or weapons of any description shall be carried during the procession.
8. The organiser of the procession is responsible for ensuring that all participants in the procession are aware of any conditions imposed.
9. Participants should march, not more than four abreast, on the near or left hand side of the street (unless otherwise directed by Police).
10. No band forming part of a procession shall play before 8.00 am on Monday to Saturday, 9.00 am on Sunday or any later than 9.00 pm.
11. All bands taking part in the procession shall cease to play when approaching or passing places of worship whilst services are in progress.
12. The organiser shall assist the Police and ensure that no unnecessary obstruction is caused to vehicular traffic and pedestrians.
13. The conditions of Section 62 of the Control of Pollution Act 1974 shall be observed.
14. The organiser shall ensure that he/she is aware of the provisions of the Public Order Acts.
15. The organiser should be aware that the agreed route may fall within a designated area in terms of Falkirk Council's Bye Laws Prohibiting the Consumption of Alcoholic Liquor in Designated Public Places. Public consumption of alcohol may therefore be an offence and the organiser shall be responsible for ensuring that all participants in the procession are aware of this.

Representation from Bonnybridge Community Council

Mr Douglas,

Our community council has already taken a view on the previous application for an Orange Walk on the same day, which we have already let you know. the feelings of the people who were at our meeting is that these walks belong in the past and are divisive.

I have asked about this particular walk via email as there will not be time to discuss it at our next meeting. The feelings are the same as for the walk that is proposed for 9 am the same day. Perhaps the two walks could be combined and the route proposed for the 4 pm one the desired route for both walks. This allows the right to march and celebrate as desired. This would also minimise the disruption to the community of Bonnybridge.

REPRESENTATIONS RELATING TO DISRUPTION TO THE LIFE OF THE COMMUNITY

1. Representation from Mr McCabe

Dear Mr Douglas,

Thank you for your prompt response.

Regardless whether the proposed march is two miles or two yards is irrelevant. I would still object to any procession that incites hatred whether it be against race, colour creed or sexual orientation. While you state your powers are very limited the fact that there are two proposed processions on the same day will cause further intimidation and disruption. There are laws that protect actions of hatred against a particular group of people and Falkirk Council should respect that.

If no one requires to seek the consent of the local authority would this mean anyone else could also hold a procession at the same time of day?

I wish to formally object to both of these processions due to the fact it incites racial hatred against Roman Catholics particularly against those with Irish ancestry. I am sure the members of the Orange Order would act professionally but these processions attract a roguish element as it did when the Bonnybridge Orange Lodge passed my house and several members of the public urinated on my property and on the street. I would be forced to remain in my house for the entire day for fear of intimidation from parties taking part in these processions.

As explained in my previous email, everyone has a right to express their views but as long as it is not derogatory against a particular group of people regarding their race, religion or sexual orientation which these marches clearly are.

2. Representation from Mrs Schofield

I would strongly object to this procession taking place because it would still disrupt the village at this time, also why is someone outside the community asking for this to take place.



St Joseph's RC Church

St Joseph's Presbytery
30 Broomhill Road
BONNYBRIDGE
FK4 2AN

Phone: 01324 812417

Email: stjoesbonny@tiscali.co.uk

28th May 2014



Mr Brian Douglas
Licensing Co-ordinator
Falkirk Council
Municipal Building
FALKIRK
FK1 5RS

Re: Bannockburn Orange & District Public Procession in Bonnybridge

Dear Sir,

Please find enclosed a list of names and addresses of one hundred and thirty three (133) Bonnybridge residents, who wish to object to the proposed public procession being held by the above named organisation on two occasions in our community of the 4th July 2014.

I would wish you to know that I never instigated this petition, but have been asked by the organisers of it to forward on to yourself for consideration, along with my own letter of objection on behalf of the Catholic community of Bonnybridge.

As a parish community, we held a meeting to discuss these proposed public processions and the feeling from the people present were as follows:

- The last Orange Walk to parade through Bonnybridge, other than the recent one, was 24 years ago.
- The concern over the disruption of my parishioners in trying to travel from the village to the church to attend morning Mass at St Joseph's and again in the evening with confessions and Vigil Mass.
- Issues of parking of buses and other vehicles on Foundry Rd. This issue was raised by residents of Foundry Rd.
- There is no tradition and therefore no history of Orange Walks taking place in Bonnybridge for more than two decades.
- The question of how many of the two hundred and fifty marchers actually came from the community that is to be disrupted?
- Since the organiser and the chief steward were not residents of our community, could they not take their disruption to their own communities?

On a personal note, I was assured by our local representatives that no Orange Walk would ever be held on our side of the canal, since Broomhill Road is where the Catholic School, Catholic Church and 'Celtic supporters' pub is located, and yet I see both of these processions are planned to walk on Broomhill Road.

I hope that the Council will take the concerns of me and my parishioners, and indeed the wider members of the Bonnybridge community in to consideration when reviewing these applications.

Yours sincerely,

Rev Fr Kevin A. Dow
Parish Priest

Comments submitted by Local Elected Members

From: Gow, Linda
Sent: 05 June 2014 15:59
To: Douglas, Bryan
Subject: Orange Parade

Dear Bryan

I am writing regarding the Orange Procession planned on the 5th July in the afternoon. I have been approached by constituents who feel two parades in one day after having one earlier in the year is a bit too much when it had been 24 years since there had been an Orange procession in Bonnybridge. They have asked if the procession does go ahead could it start from the Library or another point North of the canal as Broomhill Road is home to St Joseph's Church which will be open for parishioners at that time. This parade taking part on that road at that time will cause congestion and may also be seen as being inflammatory by some people who have spoken to me on the issue.

Kind regards, Linda

Councillor Linda Gow

From: Coleman, Thomas
Sent: 10 June 2014 13:22
To: Douglas, Bryan
Subject: procession in Bonnybridge.

Good afternoon, I write in regard to the proposed Orange order processional activities that are to go before a licensing committee on 20th June. I wish to lodge an objection to this proposal concerning the public safety and social disruption which will undoubtedly be experienced by residents along the proposed route and the disruption of services that the event will cause. May I suggest that a suitable and safe route would be from The Community Education centre car park along Falkirk Road with dispersal at the playing fields or, if it is felt that a more vigorous outing is required, dispersal at the Falkirk wheel park and ride facility. Tom Coleman

FALKIRK COUNCIL

Subject: NOTIFICATION OF INTENTION TO HOLD A PUBLIC PROCESSION – BANNOCKBURN ORANGE AND PURPLE LOYAL ORANGE LODGE DISTRICT NO.2
Meeting: HEARING UNDER CIVIC GOVERNMENT (SCOTLAND) ACT 1982
Date: 20 June 2014
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 The purpose of this report is to consider a proposed public procession on behalf of Bannockburn Orange and Purple Loyal Orange Lodge District No.2 which is intended to take place in Bonnybridge on Saturday 5 July 2014. Notification of the proposed procession was submitted by Mr Wilson McConaghie.
- 1.2 Bannockburn Orange and Purple Loyal Orange Lodge District No.2 submitted their notice (attached as Appendix 1 to this report) on 20 May 2014. They propose to assemble at 9am at Foundry Road, and proceed along Broomhill Road onto Bridge Street before heading up High Street, proceeding onto Wellpark Terrace then onto Peathill Road, then onto Larbert Road, then onto Drove Loan, before proceeding back down the High Street, back over Bridge Street, back onto Broomhill Road and concluding at Foundry Road where the marchers will depart for the main annual parade in Blantyre later in the morning. A map of the proposed route is attached as Appendix 2 to the report. The notification proposes that approximately 250 marchers will be involved. Included within the procession will be 6 bands; namely: -
- Ballymoughan Purple Guards
 - Star of the East
 - C. Anderson Flute Band
 - Stirling Protestants Flute Band
 - Pride of Ardoyne
 - Falkirk Crown Defenders
- 1.3 The organiser has confirmed that 20 stewards will be deployed to regulate the march. All stewards have been trained to Grand Lodge standards and will work closely with the Police.
- 1.4 The applicant advises that Bannockburn Orange and Purple District No.2 is the second oldest Orange Lodge in Scotland and consists of 6 local Orange Lodges, namely Bannockburn, Plean, Fallin, Airth, Shieldhill and the newly established Bonnybridge.

- 1.5 The applicant further advises that the proposed march is being held in Bonnybridge this year to celebrate the opening of the Bonnybridge lodge in March 2014. The Bonnybridge Sons of William Loyal Orange Lodge No.211 will be participating in the march organised by the Bannockburn Orange and Purple. The Bonnybridge Lodge also propose to march in Bonnybridge at 4pm once they return from the main annual parade in Blantyre. This is the subject of a separate notification and is reported separately on the agenda today.

2. BACKGROUND

- 2.1 On 14 April 2014, Bannockburn Orange and Purple Loyal Orange Lodge District No.2 submitted a notice of proposal to hold a Public Procession for a procession through Bonnybridge on Saturday 5 July 2014. The proposed route included Dunure Street, Ure Crescent and Wheatlands Drive. The earlier notification attracted a number of objections from Local Elected Members, the local community including the Community Council and also a petition from the residents of Wheatlands Road.
- 2.2 As a consequence, the licensing authority arranged a precursory meeting between the organiser, licensing officials and representatives from Police Scotland. At this meeting the proposed route was discussed in the context of the representations submitted. The organiser reconsidered the route and formally withdrew the notification. On 20 May 2014, a new notification was submitted with an alternative shortened route having regard to the concerns of the residents of Wheatlands Avenue and Ure Crescent.
- 2.3 Following on from the new notification, the licensing authority contacted every person/organisation that had made a representation previously and advised that the original notification had been withdrawn and subsequently replaced by the new notice with the shortened route. They were asked whether they wished to maintain their representation, and, if so, to provide a name and address as would normally be required from those submitting objections or representations. They were also asked to confirm the reasons for any representation. They were advised that the applicant would be made aware of representations made and that the notification was likely to be considered at a meeting of the Civic Licensing Committee. The licensing authority received 5 representations and a petition containing 133 signatures as a result and the detail of these are contained in section 7 of the report.

3. DECISION MAKING FRAMEWORK

- 3.1 The Council's powers and duties in dealing with public processions are set out in the Civic Government (Scotland) Act 1982. As a result of the report by Sir John Orr on "Review of Marches and Parades in Scotland" published in January 2005, the legislation was subsequently amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006.

- 3.2 The legal starting point is the European Convention on Human Rights which provides in Article 11 that everyone has the right to freedom of peaceful assembly. This includes a right to march or parade. This right can only be restricted if it is necessary to:-
- protect national security or public safety;
 - prevent disorder or crime;
 - protect health or morals; or
 - protect the rights and freedoms of others
- 3.3 Any interference with the right of peaceful assembly must be proportionate, which means that the nature of any restrictions must be in proportion to the issues which the authority is trying to tackle.
- 3.4 The Human Rights Act 1998 incorporated the European Convention on Human Rights into UK law, enabling people to enforce their Convention rights in UK courts. Since October 2000, all UK public bodies have a statutory duty to undertake their functions in conformity with the Convention.
- 3.5 Strictly, the licensing authority does not give permission for public processions. The 1982 Act, as amended, provides that organisers must notify the Council of proposed processions. The fact that this is a notification procedure rather than a licence application reflects the fact that the right of peaceful assembly is a fundamental right in a democratic society. The Act provides that in considering whether to prohibit the holding of a procession or impose conditions on it, the Council shall have regard to the likely effect of holding the procession in relation to:-
- public safety;
 - public order;
 - damage to property, and
 - disruption to the life of the community.
- 3.6 The licensing authority can also take into consideration the extent to which the containment of risks arising from the procession would place an excessive burden on the police. However, guidance issued to local authorities under Section 65A of the 1982 Act makes it clear that police costs are not an issue that can be considered.
- 3.7 As detailed in Sir John Orr's report, there have been a number of key court decisions regarding Article 11 of the European Convention of Human Rights in relation to marches and parades. The key points from these are that:-
- it is appropriate to have an authorisation procedure to consider processions;
 - as long as the organiser's intention is for peaceful assembly, the possibility of violent counter demonstration is not reason alone for prohibiting processions;
 - the rights under Article 11 cover processions which annoy or give offence to people opposed to the ideas or claims that it is seeking to promote; and
 - states should protect those involved in processions and take reasonable and appropriate measures to enable lawful demonstrations to proceed peacefully.

4. PROCEDURES

- 4.1 Provision with regard to public processions is to be found in part V of the 1982 Act. This sets out, among other things, the notification process, the functions of the licensing authority and the matters to be taken into account in the decision making process. Section 65A of the Act also obliges the licensing authority to have regard to any guidance issued by the Scottish Ministers. Such guidance was issued in December 2006 and the authority therefore requires to have regard to it when reaching any decision on a proposed parade.
- 4.2 The procedures adopted by the Council for dealing with public procession notifications are outlined in the following paragraphs.
- 4.3 When a notification is received it is normally contained within a form prescribed by the Council and accompanied by a risk assessment, again in the form set out by the Council. Details of the organisation and the chief steward are required in addition to information about the proposed procession: date, time, location, and route, expected number of people taking part, control arrangements and the number of stewards attending.
- 4.4 A copy of the notification is sent routinely to Local Members, Police Scotland, the Scottish Fire and Rescue Service and the Roads Authority for comment.
- 4.5 Section 63(10) of the Act requires licensing authorities to “make sufficient arrangements to secure that any person, body or other grouping resident in or otherwise present in their area who makes a request for the purposes of [the Act] is enabled to receive information about processions which are or might be held in that area or any part of it.” In this respect, and prior to issue of the 2006 Guidance, all Community Councils within the Falkirk Council area were asked if they wanted to be informed of any public processions taking place in their area. Those who responded in the affirmative were placed on an “opt-in list”. This means that they are given an opportunity to make representations with regard to any particular march or parade in the area they cover. In the case of this particular notification, the relevant Community Council is Bonnybridge Community Council. They were accordingly consulted on this proposed procession.
- 4.6 In addition to having an “opt-in list”, details of proposed public processions are published on the Council’s website: www.falkirk.gov.uk, as is information on how to make a comment in relation to them.
- 4.7 Once responses have been ingathered, they are considered by licensing officers with a view to identifying any issues that require to be addressed in accordance with the Act and guidance. A precursory meeting with the organiser may be held. This meeting is usually an informal discussion between representatives from the organisation proposing to march, licensing officials and representatives from the Police. Such meetings provide a useful face to face opportunity for all those involved to discuss any issues or problems.
- 4.8 The Council has produced a list of standard conditions for public processions. They are attached as Appendix 3 to this report. The list is not exhaustive and can be added to or taken from having regard to the requirements of any particular procession.

5. CONSULTATIONS

- 5.1 As detailed in paragraph 4.4 above, the following persons or bodies were given a copy of the notification lodged on 20 May 2014. Their responses are as follows:-

Organisation	Response
Police Scotland	No adverse comment to make
Roads Authority	Bus services will be disrupted and affect passengers across the area
The Scottish Fire and Rescue Service	No adverse comment to make
Bonnybridge Community Council	No response
Local Members	2 Local Members submitted emails outlining concerns expressed by constituents around possible disruption to the community and issues over public safety

6. BONNYBRIDGE COMMUNITY COUNCIL REPRESENTATION

- 6.1 Details of both notifications were sent to Bonnybridge Community Council. The Community Council had submitted an email objecting to the initial procession notification. Following on from the withdrawal of this notification and the submission of the new notification, the Community Council was again contacted but did not submit any response to the new notification

7. REPRESENTATIONS FROM THE PUBLIC

- 7.1 In addition to those persons and bodies detailed above, a number of representations have also been received in the form of a letter, petition and emails from the local Parish Priest and members of the public. In order to assist the Committee, the representations have been collated and categorised into the factors the licensing authority may have regard to as set out in paragraph 10.2 below. A representation that relates specifically to public order is attached as Appendix 4; those that relate specifically to disruption to the life of the community are attached as Appendix 5. There have been no representations made specifically in respect of damage to property or public safety, although those aspects are touched on peripherally in some of the representations. Representations that do not fall easily into any of the categories are attached as Appendix 6 and include a petition. In summary, the following representations have been received:-

- Public Order – 1
- Disruption to the life of the community – 3
- No specific category – 1 and a petition containing 133 signatures

- 7.2 The representations have been redacted to remove sensitive personal information such as email addresses to ensure compliance with data protection legislation.

8. ROADS ASSESSMENT

8.1 The Roads Authority confirmed that the proposed procession would impact on three major bus services in Bonnybridge. It is considered that the compact area for the march combined with the high frequency of bus services would result in inevitable delays and disruption. It is likely that the bus services would not recover time lost until well after the procession has concluded which may impact on passengers throughout the area. The bus services affected would include:-

- First 37/ X37 (Falkirk – Greenhill – Allandale – Glasgow) frequency every 30 minutes
- First 2 (Dunipace – Denny – Bonnybridge- Falkirk) frequency every 12 minutes
- First 27 (Falkirk – Bonnybridge – Banknock – Glasgow) – frequency hourly

8.2 The Roads Authority has also commented that should the march proceed then Scottish Canals should be notified and advised that the lifting bridge on Bridge Street should not be open at any time during the procession.

9. LOCAL MEMBERS

9.1 Two Local Elected Members submitted email representations in response to the proposed notification. Concerns were expressed in relation to the possible disruption to the community and possible threat to public safety. Alternative routes were suggested and are included in the attached emails as Appendix 7.

10. DETERMINATION

10.1 As noted in section 3 of this report, the organisers of a public procession must give written notice of their proposal to the licensing authority and the Police. The procession can then take place as notified unless the licensing authority , after consulting the Chief Constable, makes an order:-

- prohibiting the holding of the procession, or
- imposing conditions on it.

10.2 The 1982 Act also sets out the considerations to which the licensing authority must have regard when deciding whether to make such an order. Those considerations include:-

- the likely effect of holding of the procession in relation to:-
 - public safety;
 - public order;
 - damage to property;
 - disruption of the life of the community.
- 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.

- 10.3 With regard to considering disruption to the life of the community, the statutory guidance sets out that “all processions, no matter how small, will cause some disruption to communities and businesses. That is an inevitable consequence of holding processions. However, the degree of disruption may not, by itself (or with other events) be enough to prevent people from holding a procession, or from placing conditions on it. [The licensing authority] will need to consider the circumstances of each notification and assess how far the procession would affect the community or any individual or organisation who can reasonably be considered to be part of a community affected by the notification, and attach weight accordingly. However, the most important question which [the licensing authority] needs to tackle is whether the level of disruption which will or may be caused by a procession will be far greater than the right to free assembly and this means they need to place a restriction on the march.....Any decision to make an order which prevents a procession or places a condition on a procession will have to keep to the European Convention of Human Rights. As a result, it is important that any order which is made about a procession is a proportionate response to the level of disruption to the community that this event may cause”.
- 10.4 It is worth highlighting, too, that there have been a number of cases before the Scottish courts following decisions to prevent certain marches. These cases have made it clear that a Council cannot prohibit a march due to the nature of the views promoted by the organisation and concern that it might promote religious intolerance or sectarianism.
- 10.5 In the case of Aberdeen Bon Accord Loyal Orange Lodge 701 –v- Aberdeen City Council (September 2001) the court was of the opinion that the Council’s reasons for its decision were not made out and an outright ban was disproportionate. The Sheriff stated that “This right [under article 11] is not restricted to those whose views accord with the majority. It is the essence of a civilised democratic society that many points of view may be expressed in public.” The Sheriff went on to indicate that the right to public assembly may be restricted in certain circumstances but that it was for the public authority to show that it was necessary to curtail that basic right before any such restriction would be upheld. The action proposed needed to be proportionate to the risks which might arise and provide a reasonable response to the perceived risk. The Sheriff considered that a complete prohibition requires much more than “concern that the procession might promote religious intolerance and might interfere with the rights of other citizens to go about their business freely and lawfully ... it is the right of individuals and groups in a civilised society to express their views as long as neither the words nor their actions contravene the law. Tolerance is what is required in a democratic society and that includes toleration of views or sentiments which might not coincide with one’s own”.
- 10.6 In the case of County Grand Lodge of Ayrshire, Renfrewshire and Argyll –v- Argyll and Bute Council the Sheriff stated that “it seems quite clear that ... there is a right to individuals and groups to express their views as long as neither their words nor their actions contravene the law and the mere concern that the procession might promote religious intolerance or might interfere with the rights of other citizens to go about their business freely and lawfully is not sufficient to justify prohibition”. The case of Wishart Arch Defenders Loyal Orange Lodge 404 –v- Angus Council (April 2001) is in similar terms.

- 10.7 More recently, in the case of Provincial Grand Black Chapter of Scotland –v- West Dunbartonshire Council (August 2009), the Sheriff stated that “it is for [the licensing authority] to establish that there is a necessity for intervention and that any intervention will be proportionate to meet that need. Necessary implies the existence of a pressing social need and proportionality has to be assessed by the standards of a democratic society characterised by pluralism, tolerance and broadmindedness.....Following on from that it seems to me to be well established that an organisation such as the appellants must be able to hold their event without fear of disruption or violence from those of competing opinion. While it is the duty of a contracting state to take reasonable steps to enable lawful demonstrations to proceed peacefully they cannot be expected to guarantee that. What they must do is see what can be done to do that.”

11. ATTENDANCE

- 11.1 The organiser of Bannockburn Orange and Purple Loyal Orange Lodge District No.2 and those who have made representation as detailed in the report have been invited to attend the meeting to be heard on the matter.

12. RECOMMENDATION

- 12.1 It is recommended that Committee considers the terms of this Report and any submissions made before determining whether it is necessary to make an order relating to the proposed public procession.

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Chief Governance Officer

16 June 2014

Contact Officer: Bryan Douglas, Licensing Co-ordinator (extension 1262)

LIST OF BACKGROUND PAPERS

Civic Government (Scotland) Act 1982 As Amended

**NOTICE OF PROPOSAL TO
HOLD A PUBLIC PROCESSION**Notification Number PP 14/57**Falkirk Council**

PLEASE READ THE GUIDANCE NOTES FOR ORGANISERS ATTACHED TO THIS FORM

NAME OF ORGANISATION

BANNOCKBURN ORANGE AND PURPLE DISTRICT No 2**PERSON RESPONSIBLE FOR ALL ARRANGEMENTS:**

NAME:

WILSON MCCONAGHIE

ADDRESS:

POSTCODE

HOME PHONE NO:

MOBILE PHONE NUMBER

E-MAIL ADDRESS:

CHIEF STEWARD'S DETAILS

NAME:

ROBERT JOHNSTON

ADDRESS:

POSTCODE

HOME PHONE NO:

MOBILE PHONE NUMBER

E-MAIL ADDRESS:

LOCATION OF PROCESSION (ie Town)

NUMBER OF PERSONS
LIKELY TO TAKE PARTBONNY BRIDGE250PROPOSED DATE OF
PROCESSION

PROPOSED DAY OF PROCESSION

PROPOSED START TIME OF
PROCESSION5 July 2014SATURDAY09.00

PROPOSED ROUTE: FOUNDRY RD BROOMHILL RD BRIDGE ST
MAINST. WELL PARK. PENTHILL RD. LARBERT RD
DROVE LOAN MAINST BRIDGE ST BROOMHILL RD
FOUNDRY ROAD

(please continue on a separate sheet, if you need to)

ARRANGEMENTS FOR CONTROL OF THE PROCESSION: HOGE MARSHALS TO HELP POLICE. ALL MARSHALS ARE
TRAINED TO GO AND LONG STANDERS

(please continue on a separate sheet, if you need to)

NUMBER OF STEWARD'S ATTENDING: 20

NAMES OF ANY BANDS AND THE NAMES OF EACH BAND MEMBER WHO WILL BE TAKING RESPONSIBILITY FOR THE BANDS. THE NAMED BAND MEMBER MUST BE PRESENT ON THE DAY AND MUST IDENTIFY THEMSELVES TO THE POLICE

NAME OF BANDS: BAND A: PRIDE OF ARDYONFB STAR OF THE EAST V.B.
 BAND B: RAIKIRK CROWN DEFENDERS. CONT ANDERSON FB
 BAND C: STIRLING PROTESTANT BOYS BALLYMONAGH PURPLE CARDS

NAME OF RESPONSIBLE BAND MEMBER FOR: BAND A: _____
 BAND B: _____
 BAND C: _____

(please continue on a separate sheet, if you need to)

ANY OTHER RELEVANT INFORMATION: BUSES WILL BE PARKED IN FOUNDRY ROAD THE WALK WILL
TAKE AROUND MOOR

(please continue on a separate sheet, if you need to)

Signature of person responsible for the procession: Nelson McMonaghy

Date of Application: 19 MAY 2014

OFFICE USE ONLY					
DATE RECEIVED	ORDER REQUIRED YES/NO	DATE PASSED TO	DATE RESPONSE RECEIVED	DATE OF DECISION	DECISION

Notification Number

Civic Government (Scotland) Act 1982 As Amended

**PUBLIC PROCESSION
RISK ASSESSMENT FORM**



Falkirk Council

PLEASE READ THE GUIDANCE NOTES FOR ORGANISERS ATTACHED TO THIS FORM

Name of Organisation	BANNOCKBURN ORANGE AND PURPLE DISTRICT No2.
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Section 1 - CONTACT DETAILS

NAME:			
ADDRESS:	WILSON MC CONAGHIS		
			POSTCODE
HOME PHONE NO:		MOBILE PHONE NUMBER	
E-MAIL ADDRESS:			

DATE OF PROCESSION	TIME OF PROCESSION
5 JULY 2014	09.00

PROPOSED ROUTE: FOUNDRY ROAD, BROOMHILL ROAD BRIDGE STREET.
MAIN STREET, WELL PARK TERRACE, PEATHILL ROAD
LARBERT ROAD, DROVE LOAN, MAIN STREET, BRIDGE STREET
BROOMHILL ROAD, FOUNDRY ROAD.

Section 2 - MAIN RISK ASSESSMENT

Question	You must provide supporting comments in the boxes below
Is the date of your procession particularly significant to the organisation?	IT IS OUR ANNUAL JULY CELEBRATION FOR OUR ORGANISATION
Has your organisation marched along the same route before?	YES.
Are there enough trained stewards to control the number of marchers expected?	YES.
Have there been any difficulties or tensions in the recent past with holding this procession?	NO
Please assess the level of risk there may be to public safety. (Please also say whether risk is low, medium or high)	NONE LOW
Please assess any risk to public order. (Please also say whether risk is low, medium or high)	LOW.
Please assess the risk of damage to property. (Please also say whether risk is low, medium or high)	NONE LOW
Please assess the risk of disruption to local businesses, the community or shoppers and traffic from holding the procession. (Please also say whether risk is low, medium or high)	LOW.
Taking account of all the information in this table, what is your opinion of the overall risk of holding the procession? Is it low, medium or high?	LOW.

Section 3 - OTHER INFORMATION

Main Considerations	Supporting Comments
At the end of the march, what are the arrangements for getting marchers to go home?	GO ON BUSES TO BLANTYRE BUSES WILL BE PARKED OF ROAD IN FOUNDRY ROAD.
Are you organising any other social events at the end of the march? (Please give details of what these are) Will you need a police presence?	NO
Is the proposed route shown on your notification a route that your organisation commonly uses?	YES.
Have you taken out insurance to help cover any risks arising from the procession?	YES.
What is your assessment of the risks to marchers if the route passes through communities which may be against the march?	LOW.
Do you have enough security in place for any coaches and other vehicles used by the marchers?	YES.
Have you considered the policing and attendant costs for holding the procession?	YES.
Have you assessed what other priorities there may be in the area on the day of the march?	YES.
Have you considered the effect on the community as a whole if the march went ahead?	YES
Could you combine this procession with other similar events in the area? If not, why not?	NO IT IS OUR DISTRICT PARADE ON OUR WAY TO BLANTYRE FOR THE MAIN WALK.

Section 4 - FINAL ASSESSMENT

If the local authority is holding a meeting, I would like to raise the following points about this risk assessment:

1. WE HAVE NEVER HAD ANY TROUBLE AT ANY OF OUR WALKS
- 2.
- 3.

Please provide any other supporting comments below:

Section 5 - DECLARATION

I have assessed the risks associated with holding the above procession.
I will attend any meeting which may be necessary.

Signature of person carrying out the risk assessment:

Name (BLOCK CAPITALS): WILSON MCCONAGHIE

Relevant qualifications of the person carrying out the risk assessment:

.....
.....
.....

Signature of organiser: A.

Name (BLOCK CAPITALS): WILSON MCCONAGHIE

Date: 18 MAY 2014

Please return the filled-in risk assessment form with the notification form.

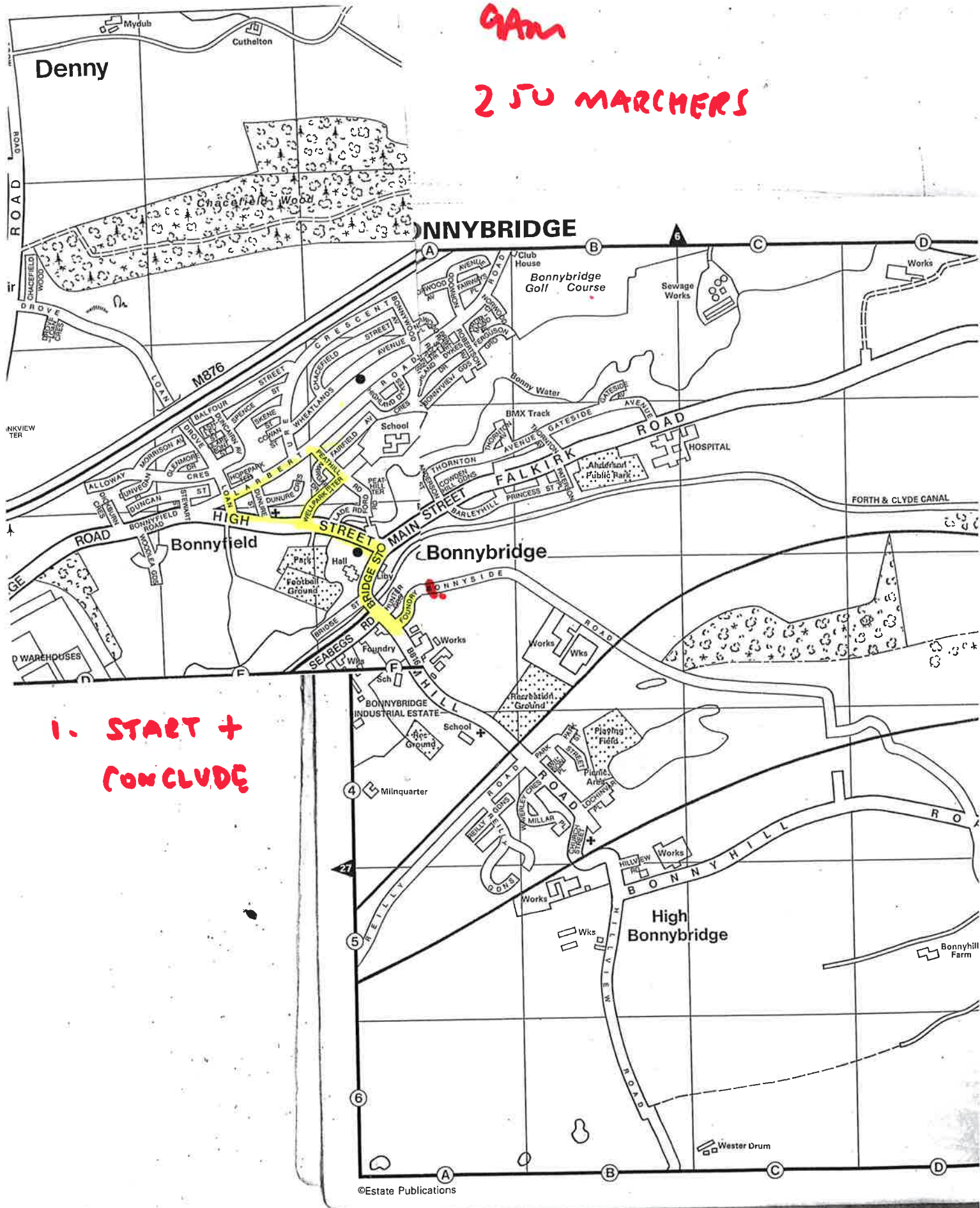
NOTE: A copy of your assessment will be sent to Central Scotland Police

OFFICE USE ONLY					
DATE RECEIVED	ACCEPTED/REFUSED AND REASON	DATE PASSED TO	DATE RESPONSE RECEIVED	DATE OF DECISION	DECISION

BANNICKBURN ORANGE + PURPLE

GAM

2 JU MARCHERS



1. START +
CONCLUDE

FALKIRK COUNCIL

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
STANDARD CONDITIONS APPLICABLE TO PUBLIC PROCESSIONS**

1. The organiser of the public procession shall liaise with Police Scotland prior to the day of the event.
2. The organiser of the public procession shall identify him/herself to the Senior Police Officer in charge, prior to the commencement of the procession.
3. The organiser and participants shall adhere strictly to and abide by any Police instructions given on the day of the procession
4. The procession shall commence at the prescribed time.
5. Sufficient stewards and marshals must be present and clearly identifiable.
6. The procession must keep to the agreed route, unless instructed by the Police to re-route.
7. If considered inappropriate by Police no halberds or weapons of any description shall be carried during the procession.
8. The organiser of the procession is responsible for ensuring that all participants in the procession are aware of any conditions imposed.
9. Participants should march, not more than four abreast, on the near or left hand side of the street (unless otherwise directed by Police).
10. No band forming part of a procession shall play before 8.00 am on Monday to Saturday, 9.00 am on Sunday or any later than 9.00 pm.
11. All bands taking part in the procession shall cease to play when approaching or passing places of worship whilst services are in progress.
12. The organiser shall assist the Police and ensure that no unnecessary obstruction is caused to vehicular traffic and pedestrians.
13. The conditions of Section 62 of the Control of Pollution Act 1974 shall be observed.
14. The organiser shall ensure that he/she is aware of the provisions of the Public Order Acts.
15. The organiser should be aware that the agreed route may fall within a designated area in terms of Falkirk Council's Bye Laws Prohibiting the Consumption of Alcoholic Liquor in Designated Public Places. Public consumption of alcohol may therefore be an offence and the organiser shall be responsible for ensuring that all participants in the procession are aware of this.

REPRESENTATION RELATING TO PUBLIC ORDER

1. Representation from Ms Mulholland

Thank you for your recent correspondence informing me of the new application for the procession on 5/7/2014.

I would still like to offer my objection to this march based on the reasons stated previously that Bonnybridge has not held any orange marches in years, and as this type of march is a contentious issue, that could potentially cause trouble. In addition there is little enough parking in Bonnybridge to go shopping etc and having this march would cause a major disruption to our village.

REPRESENTATIONS RELATING TO DISRUPTION TO THE LIFE OF THE COMMUNITY

1. Representation from Mr McCabe

Dear Mr Douglas,

Thank you for your prompt response.

Regardless whether the proposed march is two miles or two yards is irrelevant. I would still object to any procession that incites hatred whether it be against race, colour creed or sexual orientation. While you state your powers are very limited the fact that there are two proposed processions on the same day will cause further intimidation and disruption. There are laws that protect actions of hatred against a particular group of people and Falkirk Council should respect that.

If no one requires to seek the consent of the local authority would this mean anyone else could also hold a procession at the same time of day?

I wish to formally object to both of these processions due to the fact it incites racial hatred against Roman Catholics particularly against those with Irish ancestry. I am sure the members of the Orange Order would act professionally but these processions attract a roguish element as it did when the Bonnybridge Orange Lodge passed my house and several members of the public urinated on my property and on the street. I would be forced to remain in my house for the entire day for fear of intimidation from parties taking part in these processions.

As explained in my previous email, everyone has a right to express their views but as long as it is not derogatory against a particular group of people regarding their race, religion or sexual orientation which these marches clearly are.

2. Representation from Mrs Schofield

I would strongly object to this procession taking place because it would still disrupt the village at this time, also why is someone outside the community asking for this to take place.



St Joseph's RC Church

St Joseph's Presbytery
30 Broomhill Road
BONNYBRIDGE
FK4 2AN

Phone: 01324 812417

Email: stjoesbonny@tiscali.co.uk

28th May 2014



Mr Brian Douglas
Licensing Co-ordinator
Falkirk Council
Municipal Building
FALKIRK
FK1 5RS

Re: Bannockburn Orange & District Public Procession in Bonnybridge

Dear Sir,

Please find enclosed a list of names and addresses of one hundred and thirty three (133) Bonnybridge residents, who wish to object to the proposed public procession being held by the above named organisation on two occasions in our community of the 4th July 2014.

I would wish you to know that I never instigated this petition, but have been asked by the organisers of it to forward on to yourself for consideration, along with my own letter of objection on behalf of the Catholic community of Bonnybridge.

As a parish community, we held a meeting to discuss these proposed public processions and the feeling from the people present were as follows:

- The last Orange Walk to parade through Bonnybridge, other than the recent one, was 24 years ago.
- The concern over the disruption of my parishioners in trying to travel from the village to the church to attend morning Mass at St Joseph's and again in the evening with confessions and Vigil Mass.
- Issues of parking of buses and other vehicles on Foundry Rd. This issue was raised by residents of Foundry Rd.
- There is no tradition and therefore no history of Orange Walks taking place in Bonnybridge for more than two decades.
- The question of how many of the two hundred and fifty marchers actually came from the community that is to be disrupted?
- Since the organiser and the chief steward were not residents of our community, could they not take their disruption to their own communities?

On a personal note, I was assured by our local representatives that no Orange Walk would ever be held on our side of the canal, since Broomhill Road is where the Catholic School, Catholic Church and 'Celtic supporters' pub is located, and yet I see both of these processions are planned to walk on Broomhill Road.

I hope that the Council will take the concerns of me and my parishioners, and indeed the wider members of the Bonnybridge community in to consideration when reviewing these applications.

Yours sincerely,

Rev Fr Kevin A. Dow
Parish Priest

Representation that falls into no specific category

1. Representation from Mr Love.

Please find my resubmitted objection to this parade on the 5th of july . my understanding of this order was formed in 1832 .and in my opinion this order has no place in the 21century in it present form as regards to parades

dear sir i understand there is to be a orange walk in bonnybridge on the 5th of july 2014 .
i thought that orange walks were a thing of the past. as a person how lives in bonnybridge
i do not see what benefit the village will get from this parade. thay may have the right to
parade on the queens highway .but please not in my back yard . this is a nice quiet village
and i for one would like it to stay that way

Comments submitted by Local Elected Members

From: Gow, Linda
Sent: 05 June 2014 15:59
To: Douglas, Bryan
Subject: Orange Parade

Dear Bryan

I am writing regarding the Orange Procession planned on the 5th July in the afternoon. I have been approached by constituents who feel two parades in one day after having one earlier in the year is a bit too much when it had been 24 years since there had been an Orange procession in Bonnybridge. They have asked if the procession does go ahead could it start from the Library or another point North of the canal as Broomhill Road is home to St Joseph's Church which will be open for parishioners at that time. This parade taking part on that road at that time will cause congestion and may also be seen as being inflammatory by some people who have spoken to me on the issue.

Kind regards, Linda

Councillor Linda Gow

From: Coleman, Thomas
Sent: 10 June 2014 13:22
To: Douglas, Bryan
Subject: procession in Bonnybridge.

Good afternoon, I write in regard to the proposed Orange order processional activities that are to go before a licensing committee on 20th June. I wish to lodge an objection to this proposal concerning the public safety and social disruption which will undoubtedly be experienced by residents along the proposed route and the disruption of services that the event will cause. May I suggest that a suitable and safe route would be from The Community Education centre car park along Falkirk Road with dispersal at the playing fields or, if it is felt that a more vigorous outing is required, dispersal at the Falkirk wheel park and ride facility. Tom Coleman