



**West Lothian
Council**

GUIDE FOR ORGANISERS PROCESSIONS/EVENTS

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SECTION 1 - THE LAW

From 1st April 2007 amendments are made to the Civic Government (Scotland) Act 1982 by the Police, Public Order and Criminal Justice (Scotland) Act 2006 in relation to processions in public.

The main changes to Part V of the 1982 Act are as follows:-

- The minimum amount of notice that organisers must give to the Council about their intention to hold a procession is raised from 7 days to 28 days.
- Various processions which were exempt from giving notice to the Council must give notice.
- The Council must consider a range of issues when deciding whether to prohibit a procession or to place conditions on the holding of it.
- The Council must take account of whether a procession may place too much of a burden on the police.
- The Council must take into account the effect that a previous procession has had on public safety issues and how far those involved kept to any code of conduct or guidance; and
- The Council must keep a list of processions which have been held in West Lothian, or which have been prohibited, so the public can see which processions happen regularly and which are likely to happen in the future.

The 'right to freedom of peaceful assembly' is protected by the European Convention on Human Rights. In particular, Article 11 of the Convention sets out this right. The right to 'free assembly' is not an absolute one, and can be restricted if needed to:

- protect national security or public safety;
- prevent disorder or crime;
- protect health or morals or
- protect the rights and freedom of others.

The restriction to be placed on the right to free assembly must also be in proportion so it is compatible with Article 11 of the Convention.

OTHER LEGISLATION

Depending on the nature of the event, there is other legislation which may also apply to processions. This could include:

- The Public Order Act 1936, which forbids people from wearing uniforms signifying association with any banned organisations;

- The Public Order Act 1986, which relates to the powers of chief constables during or immediately before a march or parade; and
- The conditions in the Terrorism Act 2000 relating to being members of or supporting, or fund-raising for, an organisation forbidden by law. Local government licensing laws may also apply as may some road traffic law.

The following laws may also be relevant:-

- The Health and Safety at Work etc Act 1974 (to see what measures need to be taken for events which may carry a risk to health and safety).
- The Food Safety Act 1990 (where food is provided or sold at the event).
- The Occupiers Liability (Scotland) Act 1960 (duty of care so that people do not suffer injury and so on).
- The Land Reform (Scotland) Act 2003 (for making orders to temporarily prevent people from having rights of access to land).
- The Road Traffic Regulation Act 1984 and Roads (Scotland) Act 1984 for any restrictions which are to be put in place such as closing roads and diversions.
- The Police (Scotland) Act 1967 (which sets out the general powers of the police).
- The Control of Pollution Act 1974 (for the use of loudspeakers).

SECTION 2 - LOCAL LICENSING

Depending on the nature of the procession/event, there may be a need for organisers to have licences, permits and/or certificates. These could include a public entertainment licence, a liquor licence, a street trader's licence, a lottery permit, a licence for a charitable collection or a market operator's licence.

Full details can be obtained from the Council's website:

<http://www.westlothian.gov.uk/wlcv2/councilservices/LegalServices/licensing/>

SECTION 3 - STEP-BY-STEP GUIDE TO ORGANISING A PROCESSION/EVENT

Organisers should take account of the following matters when planning their procession/event:-

- Managing a Procession/Event Crowds
- Insurance Arrangements
- Managing Vehicles (Note: organisers should take account of any police involvement with management of vehicles on roads and management of vehicles on land being used for a public event)
- Health and Safety Issues

- Managing Waste and Hygiene
- Training Stewards; and
- Planning for Unexpected Events.

Note:-Neither the Council nor the Police are responsible for the insurance of a procession/event. Furthermore, neither the Council nor the Police are responsible for any civil or criminal liability of an organiser or those attending a procession/event which liability arises from the holding of such a procession/event.

SECTION 4 - CHECKLIST

Organisers should also refer to the Guidance for Scottish Local Authorities - "Review of Marches and Parades in Scotland" published in December 2006 –

<http://www.scotland.gov.uk/Resource/Doc/159457/0043394.pdf>

together with the relative Process Chart –

<http://www.scotland.gov.uk/Resource/Doc/159457/0043395.pdf>

Organisers should also refer to the publication/website information as detailed in Section 2 above.

SECTION 5 - ORGANISER'S RISK ASSESSMENT

So that the Council and the Police are fully aware of possible risks, all organisers must complete, or have their risk assessor, complete the questions in the form "Risk Assessment"..

SECTION 6 - STEWARDING

Note : The cost of training stewards is not the responsibility of the Council or the Police.

It is suggested stewards receive training in:-

- How to handle emergencies.
- Crowd control.
- Basic first aid.
- The public order laws and other relevant law like health and safety law.
- Understanding the powers and duties of the Police.

Stewards should use high-visibility jackets which make them visible at all times. The chief steward should give all stewards a formal and detailed briefing on the day of the procession/event which briefing should include:-

- The general duties and deployment of stewards.
- The conditions which have been placed on the procession/event.

- Any police instructions that have been given about the procession/event; and
- What communication channels will be used on the day of procession/event.

Chief stewards should also go to any debriefing meetings to share their account of the way the procession/event was handled and any concerns arising which can then be dealt with for future processions/events.

SECTION 7 - CONTACTS

The relative contacts in the Council are as follows:-

Contact : Licensing Team

Tel : 01506 281593

email : licensingapplicationforms@westlothian.gov.uk

(Licensing Team will co-ordinate queries with other council officers and outside organisations like Lothian & Borders Police and Lothian & Borders Fire and Rescue Service.)

The relative contact in the Police is as follows:-

Contact :- Events Planning Officer

Tel : 01506 445624

email : FdivEventsPlanning@lbp.pnn.police.uk

SECTION 8 - CODE OF CONDUCT

The Council's standard conditions for holding a procession form **Appendix A** to this guide.

While it is understood that some organisations have their own codes of conduct, the legal position for everyone involved can be summarised as follows:-

- There must be compliance with the relative civil law and criminal law.

Appendix A

Council's Standard Conditions for a Public Procession

1. An official, readily identifiable, is appointed to liaise with the Officer in Charge of the Police operation at the event.
2. The parade commences promptly, at the time stated and finishes at the time stated.
3. The route is as stated.
4. The number of participants does not exceed that stated.
5. Sufficient stewards are available to marshal participants and bands before, during and at the dispersal of the parade.
6. The participants march no less than 4 and no more than 6 abreast.
7. Organisers will ensure that sufficient toilet facilities are available.
8. Organisers will make all participants aware that no drinking in public will be permitted.
9. No paramilitary uniforms or insignia are to be worn which may be in contravention of the Terrorism Act, 2000.
10. No banners or similar placards likely to incite a breach of the peace will be displayed or which may be in contravention of the Terrorism Act 2000 are to be displayed.
11. No person in the procession will use a megaphone or similar instrument, other than for the control of participants.
12. The organisers will ensure that provision is made to allow sufficient and regular pedestrian passage through the parade.
13. No musical instrument other than a snare drum or similar for keeping the beat, should be sounded or played when passing any designated places of public worship being used at the time, for the purposes of a religious ceremony of any kind, or for a distance of 50 metres before and after that location.
14. Any instructions required to be given by the Police are immediately complied with.
15. The parade at all times will continue moving and no part will stop unless for emergency purposes, on direction of or with agreement of the police or at the parade route end. In the event of any emergency vehicle requiring to enter the parade route at any time during the event, the parade will be stopped and participants moved to the left side of any road. Police and stewards will concentrate on keeping the right side of any road clear of pedestrians, maintaining a clearway until instructed otherwise by Event Control and/or the Silver Commander.
16. Stewards must wear high visibility reflective jackets or vests and, if the event will take place during the hours of darkness, carry functioning battery-powered torches.

17. The names of all participating bands and the named responsible person for each band together with contact details of that person are to be given to the Police for security checks at least seven days before the event. Only bands which clear the Police security check can participate in the parade.

Note: These conditions may be amended by the council, after consultation, for any particular march or parade.