



Form amended October 2019

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 62
NOTICE OF PROPOSAL TO HOLD A PUBLIC PROCESSION

IN TERMS OF SECTION 62(2) OF THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE MINIMUM NOTICE THAT YOU ARE REQUIRED TO GIVE OF YOUR INTENTION TO HOLD A PUBLIC PROCESSION IS 28 DAYS. ORGANISERS SHOULD ALWAYS ENDEAVOUR TO GIVE AT LEAST THREE MONTHS NOTICE WHERE POSSIBLE.

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS APPLICATION AS INCOMPLETE APPLICATIONS OR APPLICATIONS SUBMITTED ON THE WRONG FORM WILL NOT BE ACCEPTED AND WILL BE RETURNED BY SECOND CLASS POST. IF YOU PROVIDE AN EMAIL ADDRESS BELOW THIS WILL ALLOW US TO CONTACT YOU QUICKER REGARDING YOUR APPLICATION.

FOR OFFICIAL USE ONLY

Date of notice		Licensing Reference No.	
Acknowledgement		Report received from Roads	
Date to Police Scotland		Report received from Police Scotland	
Date to Roads & Transportation Services		Date of advert	
Date to Operational Services		Objection end date	
Date to Events Co-ordinator		Date to committee	
Date to local members		Decision	
		Date of determination	

IMPORTANT - ALL QUESTIONS MUST BE ANSWERED

DATE OF PROCESSION	
NAME OF ORGANISATION OR BAND	

Organiser's details

Name:	
Address (including postcode):	
Telephone no:	
Mobile no:	
E-mail address:	
Position within organisation	

Chief steward's contact details

Name:	
Address (including postcode):	
Telephone no:	
Mobile no:	
E-mail address:	

Details of procession

Location:	
Start time:	
Reason for procession	
Proposed route (including assembly point(s): (See note 6)	
Number of people expected to take part: (See note 7)	
Estimated duration of the procession:	
Number of stewards attending:	
Number of vehicles to be used within the procession:	
Please provide details of the arrangements for controlling the procession:	

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 identify themselves to the police.

Name of bands: Band A
 Band B
 Band C

Name of responsible band member for:
 Band A
 Band B
 Band C.....

please continue on a separate sheet if necessary

Do you intend to use a West Lothian Council park? If yes see note 3	yes/no
--	--------

Declaration to be completed by organiser

Your signature:

Date:

Please forward completed form and risk assessment to:-

e-mail to licensing@westlothian.gov.uk or by post to Licensing Team, Legal Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF (Phone no 01506 281632)

You may be contacted by Police Scotland or other Council Services to attend a meeting to discuss your notification in more detail.

Privacy Statement – Data Protection

All personal information that you supply will be used to process your application in accordance with data protection law and the Civic Government (Scotland) Act 1982. In terms of the 1982 Act we are required to share this information with the following bodies:-

- Police Scotland; and where the licensed activity takes place within premises,
- the Scottish Fire and Rescue Service or other enforcing authority under Part 3 of the Fire (Scotland) Act 2005

We are required by law to protect the public funds we administer. Therefore in line with the National Fraud Initiative (NFI) we may also share your information with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

Some of the information provided by you on this form will be held on a register which is available for inspection by members of the public.

Further information about how we handle your personal information, including how long we retain the information, information about the NFI and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team's webpage <https://www.westlothian.gov.uk/licensing>. A copy of our Privacy Notice is available on request by contacting the Licensing Team, email: licensing@westlothian.gov.uk, telephone: 01506 281632.

NOTES FOR GUIDANCE

1. Under Section 62 of the Civic Government (Scotland) Act 1982 any moving event held in a public place anywhere in Scotland can be considered a procession. There is no statutory definition of procession which means that the definition to be used is the commonly understood definition. In the Oxford Dictionary procession is defined as "a number of people or vehicles moving forward in an orderly fashion" and so can include parades, marches, rallies etc involving persons walking, running, cycling or in vehicles. Processions are not restricted to events taking place on a road or footpath. **The legislation provides an exemption to this in relation to funeral processions organised by a funeral director acting in the ordinary course of his business.**
2. 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 1936, which relates to the powers of the chief constables during or immediately before a march or parade and;
 - The conditions of 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.
3. If your event is a gala day or a procession which is to end in a rally or demonstration in a public space owned by the Council (i.e. a public park) you need to contact NETS, Land & Countryside Services, Whitehill Service Centre, 4 Inchmuir Road, Whitehill Industrial Estate, Bathgate EH48 2EP or telephone 01506 280000 for the necessary consents.
4. If your event involves:
 - a. A public collection;
 - b. a funfair (including bouncy castles) or other public entertainment;
 - c. the sale of alcohol;
 - d. street trading;

please check the Council's website – <https://www.westlothian.gov.uk/article/2012/Entertainment> to determine whether a licence(s) is required for your event and what the current licensing fees are. Guidance regarding the organisation of events is available from the Council's Events Co-ordinator on 01506 283285.

5. You should fill in all sections of the form and risk assessment so that the Council and Police Scotland are fully aware of possible risks. All organisers must complete, or have their risk assessment, complete the questions in the risk assessment form continuing on a separate form if you need to and:-
 - send it to the Licensing Team, Legal Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF or by email to licensing@westlothian.gov.uk
 - keep copies for yourself.

we will give a copy of your notification to the appropriate advisors.

6. It is important that you accurately described the entire route which the procession/event will take. This should be done by reference to street names. This information will be used to determine whether a Safety Advisory Group (SAG) meeting will need to be arranged.
7. It is important that you ensure that you accurately estimate the maximum number of participants taking part in the procession/event. That figure will be used to determine what measures are needed to ensure that the event takes in a safe manner.
8. The cost of training stewards is not the responsibility of the council or Police Scotland. It is suggested that 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 which 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 which may be arranged 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.

- 9 A copy of the framework of conditions for processions approved by the Council is attached for your information. The Council's Roads and Transportation Services and Police Scotland will consider your responses and risk assessment given on the notification form and suggest which conditions should be applied to your event. You will be advised by the Licensing Team which conditions are suggested to be applied to your event. If you disagree with any suggested condition the notification will be referred to the Licensing Committee and you will be given an opportunity to attend and make your case about which conditions should be applied.
- 10 If you cannot meet the minimum notice period, the Council may waive such requirement, but only in exceptional circumstances and following consultation with the Chief Constable. In these circumstances you should enclose a full explanation of what the exceptional circumstances there are in relation to your late application. In addition, you as the organiser are responsible for compliance with all legislative requirements arising out of the procession.

Framework of conditions for processions

1. Where a Safety Advisory Group (SAG) meeting has taken place the organiser of the procession shall ensure that all requirements of the SAG, as recorded in the minutes of the SAG and/ or separately notified by the Chair of the SAG, are complied with at all times.
2. Where a SAG meeting has taken place the organiser of the procession shall ensure that any traffic management plan approved by the SAG and/ or West Lothian Council, is complied with at all times.
3. The organiser of the procession shall ensure that they are available at all times during the procession, or appoint an additional contact, to liaise with an officer of Police Scotland or the council as and when required.
4. The organiser of the procession shall ensure that the procession commences and finishes promptly at the times stated in this order.
5. The organiser of the procession shall ensure that the procession adheres to the route stated in this order unless altered by Police Scotland due to other concerns.
6. The organiser of the procession shall ensure that the number of participants does not substantially exceed the number stated in the notification for the procession given by the organiser to the council.
7. The organiser of the procession shall ensure that the number of stewards at the procession to marshal participants before, during and at the dispersal of the procession is in accordance with the number stated in the notification for the procession given by the organiser to the council. The organiser shall ensure that stewards do not consume alcohol before undertaking their duties for the procession.
8. The organiser of the procession shall ensure that no participants in the procession drink alcohol while participating in the procession.
9. The organiser of the procession shall ensure that no participants in the procession wear clothing, a uniform or article in contravention of the Public Order Act 1936, the Terrorism Act 2000 or equivalent legislation.
10. The organiser of the procession shall ensure that no participants in the procession carry or display any article likely to incite a breach of the peace or in contravention of the Terrorism Act 2000.
11. The organiser of the procession shall ensure that no participant in the procession uses a megaphone or similar instrument. Megaphones or similar instruments can only be used by stewards for the control of participants in the procession.
12. The organiser will ensure that provision is made to allow sufficient and regular pedestrian passage through the parade.
13. The organiser of the procession shall ensure that any instruction which requires to be given by an officer of Police Scotland or the council is complied with immediately by all participants in the procession.
14. The organiser of the procession shall ensure that the procession continues moving at all times and no part stops unless (i) for emergency purposes; (ii) on direction of or with agreement of the Police; or (iii) at the end of the procession route.

15. The organiser of the procession shall ensure that in the event of any emergency vehicle requiring to enter the procession route at any time during the procession, (i) the procession stops; (ii) participants in the procession move to the left side of any road; and (iii) that stewards participate in keeping the right side of any road clear of pedestrians, maintaining a clearway until instructed otherwise by Police Scotland.
16. The organiser of the procession shall ensure that stewards wear high visibility reflective jackets or vests and, if the procession is taking place during hours of darkness, carry functioning battery-powered torches.
17. The organiser of the procession shall ensure that any band or bands taking part in the procession cease playing for a distance of 50 metres before and after passing any place of worship or other location where a recognised religious, cultural or legal ceremony is taking place.
18. The organiser of the procession shall ensure that the names of all the participating bands and the named responsible person for each band together with contact details of that person are to be given to Police Scotland for security checks at least seven days before the event. Only bands which clear the Police Scotland security check can participate in the parade.
19. The organiser of the procession shall ensure that in the main body of the procession the participants march no less than 4 and no more than 6 abreast.
(Police Scotland could recommend that this condition is left out where appropriate e.g. for events involving the Armed Forces)
20. The organiser of the procession shall ensure that sufficient toilet facilities are available for the participants in the procession and that the stewards for the procession direct participants to use these to prevent public nuisance.
(Police Scotland could recommend that this condition is applied where appropriate e.g. for very large processions where public toilets provision is insufficient)

INFORMATION SUPPLIED ON THIS FORM WILL BE HELD ON COMPUTER AND ORGANISERS ARE ADVISED THAT IN PROCESSING THIS NOTICE OF PROPOSAL CHECKS WILL BE MADE WHICH MAY INCLUDE REFERENCE TO PERSONAL DATA HELD ON COMPUTER.

General information for the organiser:

We are asking you to fill in this risk assessment for your procession/event to identify what dangers and risks might be associated with holding your procession/event in order that comments may be made by Roads and Transportation Services and Police Scotland and so that appropriate conditions may be suggested. This part of the form will take you through the most common areas of risk which Police Scotland and other council services might want to raise with you.

Purpose of filling in the risk assessment part of the form:

A risk assessment of the procession/event will help to –

- identify any dangers associated with holding it;
- evaluate the level of any known risks;
- decide who is at risk, in what way and how the risk to them could be reduced or removed; and
- decide, where other types of risk have been identified, whether it would be possible to introduce appropriate measures to allow the procession/event to go ahead.

Who should be filling this form in:

Preferably it should be filled in by a suitably qualified person (e.g. someone who is trained in Health and Safety Law). If that is not possible, someone else in the organisation with a strong knowledge of the area where the procession/event is to be held should fill it in. The Council and Police Scotland will then assess what is said in the form about the risk(s) of holding the procession/event.

How to fill in the form:

You should work your way through the risk assessment section by section. If there are questions you cannot answer, you should contact the Council as detailed at the end of the form. If your overall assessment shows that there is a high risk associated with holding the procession, you should get in touch as soon as possible to discuss if we can find solutions to reduce or remove the risk. Once your notification, the risk assessment and all other evidence have been considered, you may be contacted to attend a meeting.

Next steps:

You should remember to keep a copy of this form for your records and bring it with you for any meeting which may be held.

Section One – Applicant details

Name of person carrying out the risk assessment:	
Relevant qualifications, if any, of the person carrying out the risk assessment	
Address(including postcode):	
Contact numbers:	home: work: mobile:

E-mail address	
----------------	--

Section Two – Main risk assessment

The table in this section sets out the main areas of the risk assessment. You should provide as many supporting comments as you can.

Question	Answer
1. Is the date of your procession/event particularly significant to the organisation and, if so, why?	
2. Does the organiser stated on the form intend to be present at the procession/event?	
3. Has a similar procession/event taken place before? If yes answer all questions. If this is a new event go to questions 13 - 24	
4. Did a Safety Advisory Group (SAG) meeting take place for that procession/event?	
5. .If a SAG meeting took place was a traffic management plan agreed at that meeting?	
6. Did the previous procession/event start and finish at the agreed time?	
7. Based on the previous procession/event, are there enough trained stewards to control the number of marchers/attendees expected?	
8. Have there been any difficulties or tensions in the recent past with holding this procession/event? If yes, detail those difficulties or tensions?	
9. Based on the previous procession/event please assess the level of risk there may be to public safety. (Please also say whether the risk is low, medium or high.)	
10. Based on the previous procession/event please assess any risk to public order. (Please also say whether the risk is low, medium or high.)	
11. Based on the previous procession/ event please assess the risk of damage to property. (Please also say whether the risk is low, medium or high.)	

<p>12. Based on the previous procession/event please assess the risk of disruption to local business, the community, shoppers and traffic from holding the procession/event.</p> <p>(Please also say whether the risk is low, medium or high.)</p>	
<p>13. Taking account of all the information in this section, what is your opinion of the overall risk of holding the procession/event?</p> <p>Is it low, medium or high?</p>	

Section Three

This section details other information which you should consider as part of a general assessment of the procession/event. You should assess the following:

Additional considerations	Answer
<p>14. At the end of the procession/event what are your arrangements for getting marchers/attendees to disperse?</p>	
<p>15. What are your arrangements with regard to clearing up after the procession?</p>	
<p>16. Are you organising any other events (social or otherwise) at the end of the procession/main event? (Please give details of what these are.)</p> <p>Do you consider you need a police presence for these events and, if so, why?</p>	
<p>17. Is the proposed route shown on your notification a route that your organisation commonly uses?</p>	
<p>18. Have you taken out insurance to help cover any risks arising from the procession/event? If yes, give details of the insurance cover.</p>	
<p>19. What is your assessment of the risks to marchers/participants if the route passes through communities which may be against the procession/event?</p> <p>Please also say whether the risk is low, medium or high.</p>	
<p>20. Do you have enough security in place for any buses/coaches and other vehicles used by marchers/participants?</p>	
<p>21. Have you considered the policing and attendant costs for holding the procession/event?</p>	

22. If any vehicle(s) are to be used in the procession/event, do the driver(s) of those vehicle(s) hold a valid DVLA driving licence to drive those vehicle(s)?	
23. Have you assessed what other priorities there may be in the area on the day of the procession/event? If the answer is no, why have you not done that assessment?	
24. Have you considered the effect on the community as a whole if the procession/event went ahead?	

Please provide any other supporting comments/additional information about your risk assessment in the box below.

Is there any reason why condition 19 in the framework of conditions should not apply to your procession/event?

Do you consider that there is a need for additional toilet facilities to be provided for the participants in your procession/event? If not please explain why additional toilet facilities are not required.

Section Four

Declaration by the person carrying out the risk assessment

I have assessed the risks associated with holding the above procession/event and will give the Council any further information required about the risk assessment. I will also come to any meeting(s) which may be needed.

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

Declaration by the organiser of the procession/event

I, the organiser agree to comply with all conditions imposed by the Council in relation to the procession/event.

To the best of my knowledge and belief, I certify that the information given to the Council in connection with the procession/event is true and correct.

Signature of organiser:	
Date :	

It is recommended that you submit the completed form three months prior to the procession/event.

The law provides that it must be submitted no later than 28 days before the procession/event is to take place but that gives little time for full consideration of the arrangements for the procession/event.

If three months' notice is given this will allow time for the Council and Police Scotland to consider the details of the procession/event and ensure that permission is granted in plenty of time before the procession/event.

The completed form may be sent by email to: licensing@westlothian.gov.uk.

Alternatively you can post it to Legal Services - Licensing Team, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF.

Note: If required, you will be contacted so meeting(s) can be arranged to discuss your notification in more detail.

If you have any queries regarding the completion of the form please do not hesitate to contact the Licensing Team
Tel: 01506 281632 (direct line) or by email to: licensing@westlothian.gov.uk.