

Report of the Action Group on Processions

Summary and Recommendations

The Short Life Working Group on Processions in Scotland was set up in 2022 following a pledge by the former First Minister in 2021 to consider if an approach similar to that taken in Northern Ireland to the facilitation of marches and parades should be adopted here. The Group's report, published in November 2022, recommended that a national parades' commission is not necessary in Scotland, as improvements could be best handled by local partners. The Group made 17 further recommendations for improvement.

COSLA joined the Action Group on Processions set up by the Scottish Government to specifically work through the conclusions and recommendations of the Short Life Working Group's report and propose the actions that are needed to take key conclusions and recommendations forward.

This paper invites the Board to:

- i. Provide views on the report produced by the Action Group on Processions;
- ii. Endorse, subject to any agreed amendments, the report's suggested actions, and
- iii. Mandate COSLA officials to continue being engaged on this work and the delivery of relevant actions in the report.

References

Previous relevant reports:

- 22-09-22 CWB Board Item 2.1a Board Workplan Update
- 23-02-17 CWB Board Item 4.2 Partnership Action Group on Processions

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Report of the Action Group on Processions

Purpose

1. This paper asks the Board to consider the report produced by the Action Group on Processions, which COSLA is a member of. It seeks views from Members on the report's actions as well as endorsement of the report, subject to any agreed amendments.

Current COSLA Position

2. The Short Life Working Group on Processions in Scotland was set up in 2022 following a pledge by the former First Minister in 2021 to consider if an approach similar to that taken in Northern Ireland to the facilitation of marches and parades should be adopted here. The Group's report, published in November 2022, recommended that a national parades' commission is not necessary in Scotland, as improvements could be best handled by local partners. The Group made 17 further recommendations for improvement.
3. The Group acknowledged that:
4. *"Our short-term review of the environment in which processions and protests are facilitated and regulated in Scotland has been limited in scope. We have undertaken this in 5 months and spoken to a small number of key groups and individuals. However, one thing that is very clear is that whilst there are considerable tensions over the facilitation of processions in some areas, most particularly Glasgow, there are other areas where there are few if any problems. This has suggested to us that there is no immediate need for wholesale change in the regulation of processions across Scotland. But there are some very significant issues in Glasgow and surrounding areas that arise from long-standing issues around sectarianism and a football sub-culture in the city into which issues of the future of Scotland and Brexit have fed."*
5. The Working Group recognised that marches and parades present different issues in different areas across Scotland and therefore were careful to avoid suggesting that a 'one size fits all' approach was the answer. Instead, the Working Group felt that a more nuanced approach was needed which sought to increase capacity in particular areas to address particular issues.
6. The report also highlighted the need for human rights considerations to be at the centre of all considerations relating to processions. It was also felt that further consideration of the conclusions and recommendations was required before any could be taken forward. Lastly it was felt that some recommendations may need to be tested to gather evidence on their effectiveness before a decision could be taken on whether to implement them.

Action Group on Processions

7. COSLA joined the Action Group on Processions set up by the Scottish Government to specifically work through the conclusions and recommendations of the Short Life Working

Group's report and propose the actions that are needed to take key conclusions and recommendations forward.

8. In February 2023, the Board considered a number of initial observations developed by the Action Group in response to some of the recommendations of the Working Group. The initial considerations included:
 - The importance of senior leaders, including politicians at both a national and local level, continuing to be clear in their acknowledgement of the need to balance human rights in the regulation of processions and the limitations that these place on notification processes
 - Producing a single briefing document and training with key information on processions for senior leaders and members of the public
 - Considering the possibility of data on previous parades and their regulation being collected.
9. The Board mandated COSLA officials to continue engaging with this work, with support from professional associations such as SOLAR.

What is changing?

10. The Action Group has been meeting regularly over the past year to develop next steps based on, but not limited to, the conclusions and recommendations set out in the report of the Short Life Working Group to improve the facilitation of processions in Scotland. The Action Group includes representatives from SOLAR, Glasgow City Council, Edinburgh City Council and Police Scotland. Professor Dominic Bryan from Queens University Belfast chaired the Group and will be in attendance at the Board meeting on 19 April to introduce the Group's report and answer questions from Members.
11. The Action Group on Processions has set out recommendations that it feels should be taken forward as a result of their work. These are presented to the Scottish Government, COSLA and Police Scotland for consideration. The full report is available at Appendix A to this report. If these recommendations are accepted, Action Group members would be happy to continue to work with all partners to develop and deliver these actions. The actions are:
 - i. Working in partnership with local authorities to develop a minimum standard for the provision of information on the notification process to ensure that consistent information is included on all local authority websites. We recommend that this is modelled with one or more identified local authorities to provide a best practice example which can provide a template for all local authorities, to adapt as appropriate.
 - ii. Statutory agencies, including Police Scotland, Scottish Government and local authorities, should work together to make sure publicly presented information on processions is clear and compliant with human rights.
 - iii. Develop or enhance current training or briefing packages for local authority officials and elected members to help inform and share good practice on the responsibility for, and the process of, facilitating peaceful public processions in Scotland and how the protection of human rights is central to this.

- iv. As part of the review and development of local authority websites, consideration should be given to making sure the need for transparency and confidentiality are addressed at all stages of the notification process.
- v. Following assessment of the pilot, if successful, the Scottish Government should provide resource to extend a training programme for processing organisations to access and train stewards and marshals.
- vi. Consideration should be given to learning and sharing best practice across Scotland annually through a 'light touch' review mechanism.

12. Additionally, the Action Group felt that:

- The notification process should make clear that processions do not require to be licensed and that in almost all circumstances those seeking to march will have their procession facilitated even if some restrictions or conditions need to be placed on it.
- The notification process is about enabling the local authority to better facilitate a fundamental human right by enabling the notified procession, and taking steps to protect public order, public safety and ensuring the human rights of those not participating in the procession are balanced with those of participants in the procession.
- Any form of restriction on the human right to process must always be prescribed by law, necessary (that is required to enable the authorities to meet their positive obligations to protect human rights) and proportionate (that it imposes the least possible restrictions to address any issues of concern).
- The procedure for providing advance notification should not be onerous or overly bureaucratic. In particular the information that is required should be kept to the minimum that is relevant to the aims of the notification process.
- All public procession organisers should provide their own stewards, but it needs to be clear that there is no legal requirement to do this.
- The provision of a risk assessment should not be a condition for a public procession, although this should be encouraged as good practice.
- Late notifications of intent to hold a public procession should always be given due consideration.

Proposed COSLA Position

13. The Board is asked to provide views on the recommendations and additional considerations set out in the above paragraphs.

14. It is proposed that, subject to agreement from the Board, COSLA endorses the actions proposed by the Action Group with the strong caveats that:

- any work carried out to take forward the actions should at its core recognise that a one-size-fits-all approach to the facilitation of marches and parades across the country is never appropriate.
- local authorities may wish to adapt any best practice examples or national resources developed by the Action Group to their local circumstances and needs, while

continuing to align with relevant existing legislation underpinning the facilitation of marches and parades.


- capacity constraints being faced by local authorities are taken into account whenever asks on councils and timescales may be set to take forward specific actions.

Next Steps

15. COSLA officers will continue engage with Scottish Government officials and further reports on this matter will follow as appropriate.

Date Considered: April 2024

Contribution to agreed COSLA Plan and Verity House Agreement:

<p>COSLA Plan 22-27</p> 	<p>Priority Areas</p> <p>Strengthen Local Democracy <input checked="" type="checkbox"/></p> <p>Secure Sustainable Funding <input type="checkbox"/></p> <p>Improve the Wellbeing of Individuals, Families and Communities <input type="checkbox"/></p> <p>Enhance Education and Support for Children and Young People <input type="checkbox"/></p> <p>Deliver a Just Transition to a Net Zero Economy <input type="checkbox"/></p> <p>Support the Most Vulnerable in our Communities <input type="checkbox"/></p>
<p>Verity House Agreement</p>	<p>Shared Priorities</p> <p>Tackling Poverty <input type="checkbox"/></p> <p>Just transition to net zero <input type="checkbox"/></p> <p>Sustainable Public Services <input checked="" type="checkbox"/></p>