

Notice of meeting and agenda

Regulatory Committee

1.15pm, Monday 8 January 2018

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

Contact

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any.

4. Minutes

- 4.1 Regulatory Committee of 24 October 2017 (circulated) – submitted for approval as a correct record.

5. Work Plan and Rolling Actions Programme

- 5.1 Rolling Actions Programme (circulated)

6. Executive Decisions

- 6.1 Taxi Examination Centre – Performance Update - report by the Executive Director of Place (circulated)
- 6.2 Policy and Code of Conduct on Public Processions Update - report by the Executive Director of Place (circulated)
- 6.3 Licensing Customer Survey 2017 - report by the Executive Director of Place (circulated)
- 6.4 Licensing Performance Update - report by the Executive Director of Place (circulated)

7. Routine decisions

None.

8. Motions

8.1 Motion by Councillor Burgess - Background Checks Taxi and PHC Licences Committee

Understands that there are a very small number of Edinburgh taxi/private hire car drivers, although born outside the UK, who have lived in the UK for a considerable length of time and held a taxi/phc driver licence without blemish, but whose country of origin will not provide them with a criminal background check;

Recognises that under requirements recently introduced by this committee applications for licence renewal by these drivers would be deemed incomplete and their licenses would therefore lapse and their long-standing means of livelihood would be terminated;

Believes that this consequence runs counter to natural justice and could be deemed as discriminatory and therefore agrees that only in the case of drivers who;

- a) have been granted leave to remain in the UK or have had UK citizenship for 10 years or more AND
- b) have held a taxi/PHC driver licence for 5 years or more AND
- c) whose country of origin is known to be refusing to provide criminal background checks,

that their applications for licence renewal will be considered complete without such a check;

Agrees to amend the application requirements as necessary to bring this into effect.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Fullerton (Convener), Arthur, Barrie, Burgess, Dixon, Rose, Neil Ross, Smith and Wilson

Information about the Regulatory Committee

The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council. The Regulatory Committee usually meets every eight weeks.

The Regulatory Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4261, e-mail committee.services@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk.

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Regulatory Committee

9.30am, Tuesday 24 October 2017

Present

Councillors Fullerton (Convener), Barrie, Burgess, Dixon, Griffiths (substitute for Councillor Wilson), Munro (substitute for Councillor Arthur), Rose, Neil Ross and Smith.

1. Age Limitation of Taxis and Private Hire Cars (Air Quality) Consultation Update

1.1 Deputation – Central Taxis

The Committee agreed to hear a deputation from Tony Kenmure on behalf of Central Taxis in relation to the report by the Executive Director of Place on a consultation which had taken place regarding the introduction of an age limitation of taxis and private hire cars. The deputation highlighted the following:

- The cost involved in upgrading vehicles which did not meet the minimum emissions standard would place a financial burden on drivers and business owners.
- An increasing number of taxis in Edinburgh had only one owner/driver, as opposed to an owner who hired out use of the taxi to other drivers when it was not being driven by the owner themselves.
- The limitation would make it less financially viable for new drivers to enter the trade, on top of the already high running costs of a taxi.
- The policy would adversely affect the resale value of a taxi.
- Central Taxis were not opposed to the limitation in principle, but needed more time to consider the longer term economic implications.
- The report recommended that taxis under the Euro 5 emissions standard would be required to be replaced by December 2018. As this type of taxi accounted for around half of the Edinburgh taxi fleet, this timescale was unrealistic.

The deputation requested the Committee to consider the following:

- The increased costs which would be incurred by the trade as a result of the introduction of an age limitation policy on the basis of the timeline set out in the report.
- That the trade should have the opportunity to discuss any potential policy with officers and to outline the financial implications of the report recommendations for the trade.

1.2 Report by the Executive Director of Place

An update on consultation activities which had been carried out in relation to the introduction of an age limitation on taxis and private hire cars was presented. The consultation was informed by a feasibility report which was presented to the Committee in November 2016. The aim of the age limitation policy was to improve air quality in the city. An outline was provided of the recommended timeline for the introduction of the policy, with the first phase recommended to begin in December 2018.

Decision

- 1) To note the report;
- 2) To agree that the conditions of taxi and private hire car licences would be amended to include specific conditions to require licensed hire cars to progressively meet Euro 6 Emission Standard or any subsequent Euro Emission Standard (or UK equivalent);
- 3) To agree that the introduction of the emission standard should be incremental with the proposed timeline set out below to be finalised following on from consultation with the trade;
- 4) To implement a Euro 5 Emission Standard as the minimum standard for both taxi and private hire car applications and renewals with an indicative implementation date of 1 December 2018;
- 5) Thereafter, to introduce a Euro 6 Emission Standard as the minimum standard for taxis and private hire car applications and renewals with an indicative implementation date of 1 December 2020;
- 6) From 1 December 2019 to restrict the vehicle age of all new taxi and private hire car licence applications or change of vehicle applications, to less than five years from the date of first registration;
- 7) To instruct the Executive Director of Place to establish a working group, consult with relevant Council Officers and representative trade bodies on the proposed timelines for the introduction of the Euro 5 and Euro 6 Emission Standard, and to report back to the Committee in three months' time;
- 8) To refer the report to the Transport and Environment Committee for information;
- 9) To note that the Executive Director of Place would provide further information on Euro Emissions Standards in the report to be submitted to the committee in three months.

(Reference – Regulatory Committee 21 November 2016 (item 9); report by the Executive Director of Place, submitted)

2. Production of Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born Outwith the UK

2.1 Deputation – Seven Sevens Cars Ltd

The Committee agreed to hear a deputation from Alistair Macdonald on behalf of Seven Sevens Cars Ltd in relation to the report by the Executive Director of Place regarding the production of criminal record information for taxi and private hire car

driver licence applicants who were born outwith the UK. The deputation highlighted the following:

- The deputation supported the policy in principle, however had some concerns regarding instances where drivers could not produce a criminal record check from their country of birth or previous residence.
- There were some countries which were not able to, or refused to, provide criminal record checks for various reasons, such as information not being held centrally. This had prevented some current licence holders from being able to renew their licences under the new policy which made it compulsory for records to be produced on application or renewal.
- Seven Sevens Cars Ltd had experience of a specific case involving a driver who had previously worked as a taxi driver with no concerns however was unable to produce records from his country of birth meaning he could not renew his licence.
- In the UK, criminal records were readily available however this was not the case in other countries.
- The policy was discriminatory to people who had not been resident in the UK since birth.

The deputation requested the Committee to consider the following:

- That the policy be altered in order that the inability to produce criminal records would not be a barrier to applicants who were from a country which was unable to provide these.
- That in these cases, the Council should accept proof that the applicant has no convictions from their time in the UK as sufficient evidence and allow the applicants to address the Committee.

2.2 Report by the Executive Director of Place

A report was presented which updated the Committee on issues raised following the introduction of the Council's policy on criminal record checks for licence applicants born outwith the UK. The policy was implemented in response to the Government instructing local authorities that public safety should be prioritised when considering licence applications for taxi and private hire car drivers, and a finding that around 40 percent of suspension requests were for drivers who the Council had been unable to check in the same way as those born in the UK. Previous policy did not state that applicants who were previously resident outwith the UK were required to provide criminal record information. The report highlighted issues surrounding applicants born outwith the UK but who had moved to the UK during childhood.

Decision

- 1) To note the report;
- 2) To agree the minor changes set out in paragraph 3.14 of the report by the Head of Place Development in respect of applicants who were children, thus considered to be below the age of criminal responsibility in Scotland i.e. 12, when they entered the UK;

3) To note there would be no further change to the existing policy.

(Reference – Regulatory Committee 19 September 2016 (item 8); report by the Executive Director of Place, submitted)

3. Request for Variation of Licence Conditions – Private Hire Car Licences

3.1 Deputation – United Private Hire Drivers’ Association (UPHD)

The Committee agreed to hear a deputation from Mark Greenhalgh on behalf of UPHD in relation to the report by the Head of Place Development regarding their request for a variation to their licence conditions to allow a sticker to be displayed on private hire vehicles. The deputation highlighted the following:

- The sticker would be transparent and placed on the opaque section of the rear windscreen of the vehicle, therefore it would not have any impact on visibility.
- The taxi examiner had recommended the application be refused however UPHD believed there were a number of taxis and private hire cars in Edinburgh which displayed similar stickers but did not have the relevant licence variations granted.
- The stickers were intended to make members of the Association easily identifiable to each other, to promote membership and raise awareness of the Association’s existence.

The deputation requested the Committee to consider the following:

- That the licence variation be granted.

3.2 Report by the Executive Director of Place

A request for a licence variation from UPHD to allow a sticker with the UPHD logo to be displayed on their members’ vehicles was received. The report highlighted the relevant licence conditions and the Committee was asked to consider the request.

Decision

- 1) To note the report;
- 2) To refuse the exemption request;
- 3) To note that the Executive Director of Place would discuss the issue with the United Private Hire Drivers’ Association on possible options for display of the stickers.

(Reference – report by the Executive Director of Place, submitted)

4. Minutes

Decision

To approve the minute of the Regulatory Committee of 21 August 2017 as a correct record.

5. Rolling Actions Programme

The Regulatory Committee Rolling Actions Programme for the period 3 May 2013 to 24 October 2017 was presented.

Decision

To note the Rolling Actions Programme.

(References – Regulatory Committee Rolling Actions Programme, submitted)

6. Street Trader Licensing – Pedicabs: Update and Proposed Licensing Conditions

Approval was sought to carry out a consultation regarding a review of the licensing conditions for pedicabs operating in Edinburgh. When the conditions were agreed initially, it was thought that the street trader licence holders would be driving the vehicles and providing the service themselves, however it had emerged that this was not the case, prompting the request for a consultation.

Decision

- 1) To note the content of the report;
- 2) To agree to consult on the proposed draft policy framework and conditions, in line with statutory requirements;
- 3) To agree to receive a final report on the outcome of the consultation.

(Reference – Regulatory Committees 27 January 2012 (item 1) and 20 June 2014 (item 6); report by the Executive Director of Place, submitted)

7. Public Safety at Sports Grounds Annual Update 2016/17

The annual update on the Council's responsibilities regarding public safety at sports grounds was presented.

Decision

To note the report.

(Reference – Regulatory Committee 21 November 2016 (item 6); report by the Executive Director of Place, submitted)

Item 5.1 Rolling Actions Programme

Regulatory Committee

3 May 2013 to 8 January 2018

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	20.06.14	Street Trader Licensing - Pedicabs	To complete the review of Pedicabs.	Executive Director of Place	Summer 2017		Discharged. Report submitted 24 Oct 17
2	28.04.15	Private Rented Sector Enforcement Policy	To agree to consult on the use of third party reporting powers to the Private Rented Housing Panel, with a report detailing the findings of the consultation to be brought before the September 2015 Committee.	Executive Director of Place	Summer 2018		Items 2 and 3 will be reported together and will form part of the ongoing Transformational change review of all enforcement activity
3	28.04.15	Private Rented Sector Enforcement Policy	Annual report on the details and statistics on the enforcement action taken by Private Rented Services.	Executive Director of Place	Summer 2018		Items 2 and 3 will be reported together and will form part of the ongoing Transformational

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
							change review of all enforcement activity
4	21.11.16	Public safety at sports grounds annual update 2014 - 2015	Annual Report	Executive Director of Place	November 2017		Discharged Report submitted 24.10.17
5	01.02.16	Licensing Policy Development Street Trading Consultation Update	<p>1. To agree to receive a further report on issues highlighted during the consultation process.</p> <p>2. The Executive Director of Place to meet with stakeholders as soon as possible to discuss the concerns raised in the consultation prior to the proposed further report being considered by the Regulatory Committee.</p>	Executive Director of Place	August 2017		Awaiting outcome of Public Space Protocol Consultation and report due to go to Committee in March 2018.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
6	01.02.16	Policy and Code of Conduct on Public Processions	<ol style="list-style-type: none"> 1. To agree to consult widely on the proposed Policy and Code of Conduct on Public Processions in line with statutory requirements. 2. To agree to consult on the Parades notification form in line with statutory requirements. 3. To receive a further update in six months 	Executive Director of Place	August 2017		Report prepared for 8 January 2018
7	21.11.16	Age Limitation of Taxis and Private Hire Cars – Feasibility Report	Instructs the Executive Director of Place to consult with the relevant officers, the public and the taxi trade and to report back to Committee in six months time.	Executive Director of Place	August 2017		Discharged Report submitted 24.10.17

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
8	21.11.16	Taxi Fare Scales: Outcome of Appeal and Timetable for Next Review	To agree Option B from the options in paragraph 3.10 in the report as the preferred option. 'Instruct CH2M Hill to commence a full fare review in April 2017, report to Committee in August and November 2017'.	Executive Director of Place	August and November 2017		Report prepared for 8 January 2018
9	21.11.16	Licensing Customer Survey 2016	To agree to receive a further report in 12 months on the 2017 survey results	Executive Director of Place	December 2017		Report prepared for 8 January 2018
10	17.02.17	Licensing Performance Update	To receive a further update report in six months	Executive Director of Place	December 2017		Report prepared for 8 January 2018
11	17.02.17	Taxi Examination Centre – Performance	To receive an update report in one year	Executive Director of Place	Feb 2018		Report prepared for 8 January 2018

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
12	21.08.17	Survey of Demand for Taxis within the City of Edinburgh	To receive a further update report in one cycle	Executive Director of Place	December 2017		Consultation complete reporting on outcome Feb / March 2018
13	24.10.17	Age Limitation of Taxis and Private Hire Cars (Air Quality) Consultation Update – report by the Executive Director of Place	<p>1) Instructs the Executive Director of Place to establish a working group, consult with relevant Council Officers and representative trade bodies on the proposed timelines for the introduction of the Euro 5 and Euro 6 emissions standards, and to report back to the Committee in three months' time</p> <p>2) To note that the Executive Director of Place would provide further information on EURO emissions standards in the report to</p>	Executive Director of Place	January 2018		<p>Consultation Ongoing</p> <p>Report on outcome Feb / March 2018</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			be submitted to the committee in three months.				
14	24.10.17	Street Trader Licensing – Pedicabs: Update and Proposed Licensing Conditions – report by the Executive Director of Place	To agree to receive a final report on the outcome of the consultation.	Executive Director of Place	Sept 2018		Consultation Ongoing

Regulatory Committee

1.15 pm, Monday, 8 January 2018

Taxi Examination Centre – Performance Update

Item number	6.1
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	

Executive Summary

This report provides the Committee with an updated performance report on pass and failure rates in respect of vehicle inspections which form part of the application process for taxi and private hire car licences and renewals.

Taxi Examination Centre – Performance Update

Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 notes the content of this report and;
 - 1.1.2 notes the measures outlined in paragraphs 3.8 to 3.16; and
 - 1.1.3 directs the Executive Director of Place to consult with the trade on these and report back to the Committee in one cycle.

Background

- 2.1 The Council, as the licensing authority under the Civic Government (Scotland) Act 1982, has a duty to ensure that taxis and private hire cars (PHCs) are safe, roadworthy and fit for purpose. Both taxis and PHCs are required to be inspected upon application for new licences or renewal of existing licences. New vehicles (intended to replace an existing licensed vehicle) are also required to be inspected. In addition, licensed vehicles may be subject to spot checks or called in for ad-hoc inspections, as required by Police or Council Officers.
- 2.2 The testing of taxis and PHCs is carried out at the Council's test facility, the Taxi Examination Centre (TEC) operated by Fleet Services at the Murrayburn Road Council Depot. The TEC also carries out similar examination and enforcement functions for both West Lothian and Midlothian Councils.
- 2.3 The TEC was formerly managed and operated on behalf of the Council by Police Scotland. Following a decision by the Regulatory Committee at its meeting of 4 April 2014, the service transferred from Police Scotland to in-house delivery on 1 November 2014.
- 2.4 The Regulatory Committee last received a report on 17 February 2017 which provided performance data for the period spanning December 2016 - June 2016.
- 2.5 Members of the Committee have been given an opportunity to see the operation of facility first hand.

Main report

- 3.1 A comparison of information on the key measures between April 2016 - March 2017 and April 2017 - September 2017, provided by the TEC, is noted in the table below.

Measure	April 2016 - March 2017	April 2017 - September 2017
Council-licensed vehicles tested passing first time	65% (overall pass rate 66%)	56% (overall pass rate 66%)
Red labels issued	71	45
Red labels issued (taxis)	55	28
Red labels issued (PHCs)	16	17
Appointments missed	150 (equates to 224 lost hours)	128 (equates to 256 lost hours)
Tests abandoned due to poor vehicle condition	68 (equates to 136 lost hours)	50 (equates to 100 lost hours)

- The national average pass rate for MOTs is currently circa 70% for Class III and IV vehicles (statistics available on DVSA website).
 - ‘Red labels’ are prohibition notices banning the use of the vehicle for hire.
- 3.2 Analysis of the faults leading to a failed inspection all relate to serious defects which normally create safety issues. These include defects in bodywork, driver’s view, driving controls, brakes, steering, lights, tyres, seat belts, suspension and wheels.
- 3.3 Detailed performance data is attached at Appendix 1.
- 3.4 During 2016/17 pressure increased on waiting time at the TEC for new vehicles to be inspected. This resulted from:
- an increase in the number of PHC licence applications and vehicles submitted for inspection, and;
 - a high initial failure rate leading to re-inspections.
- 3.5 A number of measures have been implemented to address the increased demand at the TEC including:
- Installation of a replacement an inspection ramp (1 of 3 ramps). Older ramps require two examiners to operate safely. This new ramp can be operated by a single vehicle examiner, thereby leading to efficiencies in time.

- 3.6 Additional space capacity within the Murrayburn Road Depot has been secured to accommodate two additional vehicle inspection ramps which are now installed and will create to increased capacity. The timeline for this process was accelerated as much as possible while still complying with the statutory framework. The two additional ramps have been installed but are not yet operational due to technical IT issues. These are being addressed urgently by the Council's IT partners, CGI, and the ramps are expected to be in use by the end of January 2018.

Measures to address backlog; improve TEC efficiency and; improve vehicle safety

- 3.7 Work is ongoing to identify action which could be taken to further reduce the number of vehicles failing when presented for annual test. A culture exists amongst some operators of submitting vehicles for test and thereafter remedying the faults identified in the test. This practise needs to be addressed as maintenance should be carried out on an ongoing basis and vehicles presented for test in a compliant condition. A range of options have been identified and are set out in paragraphs 3.8 to 3.16.
- 3.8 Work is underway to review and increase the staffing resource at the TEC to reflect the increased volume of vehicle licence applications and increased fleet size. This would allow capacity to increase enforcement activity at street level.
- 3.9 Currently the TEC offers a retest within 10 days for vehicles failing inspection however, this inevitably contributes to the workload and to the waiting times for other applicants to be offered a test date. Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects, the retest does not currently incur any additional charge. However, the regulations governing MOT testing by Designated Council's permit a retest fee of up to maximum of half of the original MOT part of the test fee. In the case of taxis and PHCs this would be £27.43. It is proposed to consider the applying this charge to retests.
- 3.10 For minor defects, the guidance issued in respect of MOT testing stations by the Vehicle and Operator Services Agency, permits a process known as 'pass after rectification' where such defects may be rectified within one hour after the test but before recording the results. The TEC would continue to offer this facility to allow vehicles with minor defaults to be retested. This would facilitate retesting of vehicles which had, for example, a blown bulb which had occurred immediately prior to the test taking place or other similar minor defect. In these circumstances, no fee would be levied.
- 3.11 The TEC currently offers test dates for new applications at the earliest opportunity. In the case of licence renewal applications the licence holder is advised of the test date 11 months in advance (at the time of the previous compliance inspection) and a reminder is sent to the licence holder one month in advance of that date. This is to assist the licence holder and to enable the TEC to manage resources in an efficient manner. Failure by applicants to keep appointments, and accommodating retests within 10 days, impacts upon the efficient use of

resources and adversely affects the TEC's ability to offer test dates to other applicants.

- 3.12 In order to more efficiently manage test appointments, arrangements could be made to prioritise retests for vehicles which fail due to safety concerns. Where a vehicle is presented for test in an unsafe condition, it will be taken out of service until it has been repaired and satisfactorily retested. Where a vehicle fails a test and its current compliance certificate expires before the date of retest, the licence holder would require to take the vehicle out of service until it has been retested and a valid compliance certificate issued. These measures would have the effect of discouraging applicants from presenting vehicles for test in a non-compliant condition as outlined at paragraph 3.6 above.
- 3.13 There will inevitably be circumstances where, for good reason, a test date cannot be kept and, where a short notice cancellation occurs, which may create capacity to offer retests at short notice without compromising other planned inspections.
- 3.14 Once the additional ramps referred to in paragraph 3.5 above are operational, and capacity to inspect vehicles has increased, a further proposal may be to introduce risk based inspections in respect of licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection or are presented in an unsafe condition for inspection. Vehicles falling into these categories will be subject to re-inspection after six months and liable to be recalled for inspection at any time within terms of conditions 3 and 56 of the licence conditions in respect of taxis and PHCs respectively – i.e. at any time on two day's notice.
- 3.15 Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles, may be reported to the Licensing Sub-Committee with a recommendation to refuse the renewal of their licence, or to suspend the licence until the licence holder has undertaken the appropriate steps to remedy the issue. In more serious cases, the recommendation may be to revoke the relevant licence.
- 3.16 If these measures are supported by the Committee, officers will engage with the trade representatives via the Hire Car consultation Group (HCCG).
- 3.17 Trade representatives attending meetings of the HCCG have previously expressed to elected members and to Council officers support within the trade for the Council to take effective enforcement action in regard to taxi and PHC licence holders who are in breach of the conditions of licence.

Measures of success

- 4.1 That the Council discharges its duties in terms of licensing and provides a robust and secure facility for inspecting taxis and PHCs.

- 4.2 That service users of the facility will continue to be provided with a high level of service.
- 4.3 That the standards of vehicles presented for inspection can be monitored and driven up, reducing the need for vehicle retests.

Financial impact

- 5.1 The costs of the TEC are paid for by fees generated by taxi and PHC licence applications to the Council. West Lothian Council and Midlothian Council are charged respectively for the work undertaken on their behalf.

Risk, policy, compliance and governance impact

- 6.1 Taxis and PHCs are tested to MoT standard, and inspected to ensure compliance with any relevant conditions of licence.

Equalities impact

- 7.1 There is no equalities impact arising from this report.

Sustainability impact

- 8.1 The TEC is an Approved MoT Testing Centre and all licensed vehicles are tested to MoT standards, irrespective of age and including emissions testing where applicable. The licensed fleets between new registration and three years old are therefore more rigorously tested and controlled than private vehicles.

Consultation and engagement

- 9.1 None.

Background reading/external references

- 10.1 [Regulatory Committee – 24 June 2016](#) - item 6.3
- 10.2 [Regulatory Committee – 17 February 2017](#) - item 6.2

Paul Lawrence

Executive Director of Place

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Appendices

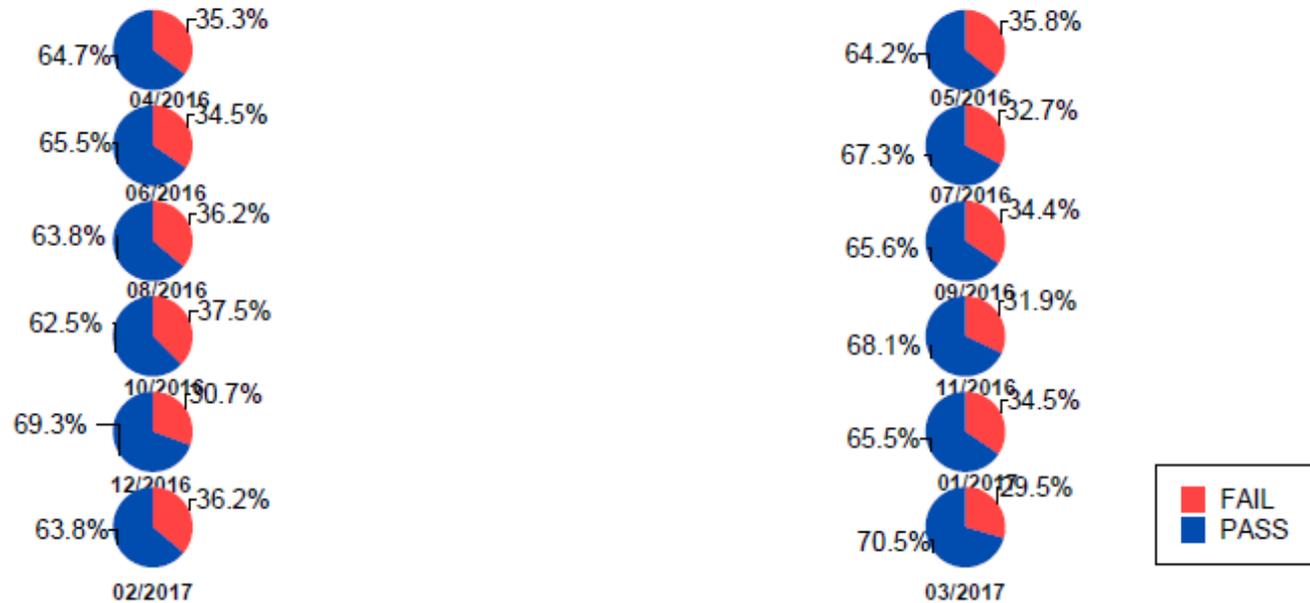
- 11.1 Key Performance Indicators Report April 2016 - March 2017
- 11.2 Key Performance Indicators Report April 2017 – September 2017

Appendix 1 – Taxi Examination Centre

Key Performance Indicators Report April 2016 - March 2017

Taxi Examination Centre Performance Indicators

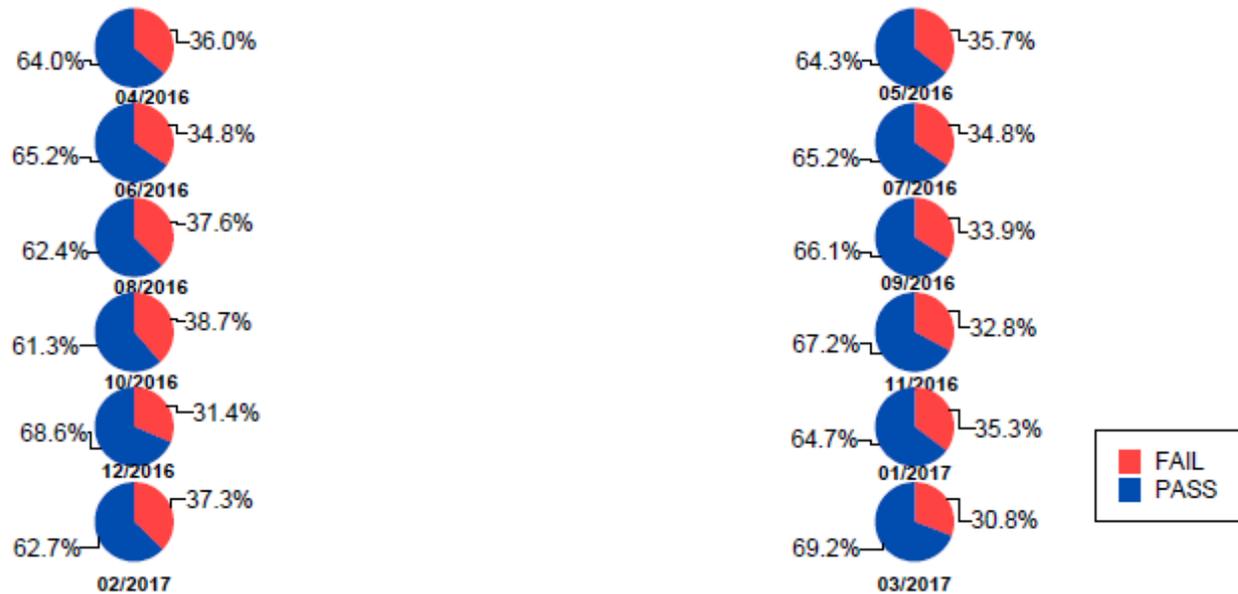
Combined Pass Rate All Authorities



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
FAIL	35%	36%	35%	33%	36%	34%	38%	32%	31%	35%	36%	30%	34%
No Of Vehicles	187	202	184	156	198	192	210	210	170	175	201	195	2,280
PASS	65%	64%	65%	67%	64%	66%	63%	68%	69%	65%	64%	70%	66%
No Of Vehicles	343	363	349	321	349	366	350	448	384	332	355	465	4,425
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
No Of Vehicles	530	565	533	477	547	558	560	658	554	507	556	660	6,705

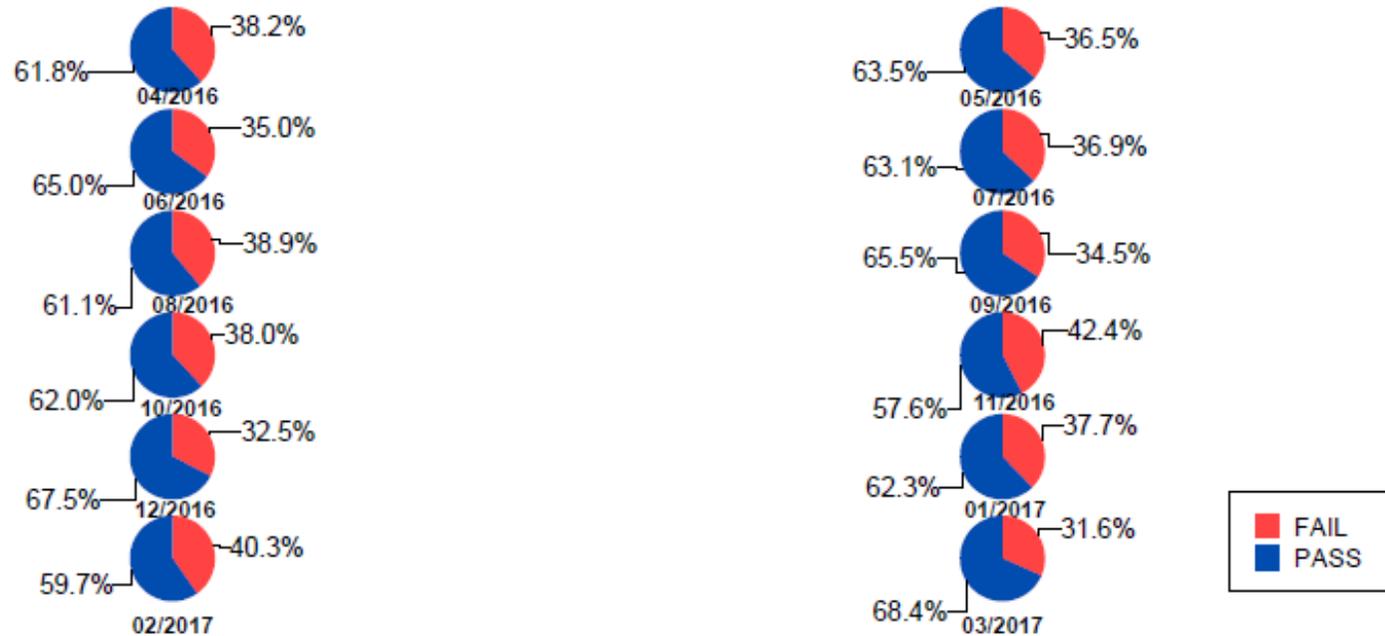
City of Edinburgh Council

Combined Pass Rate All Vehicles



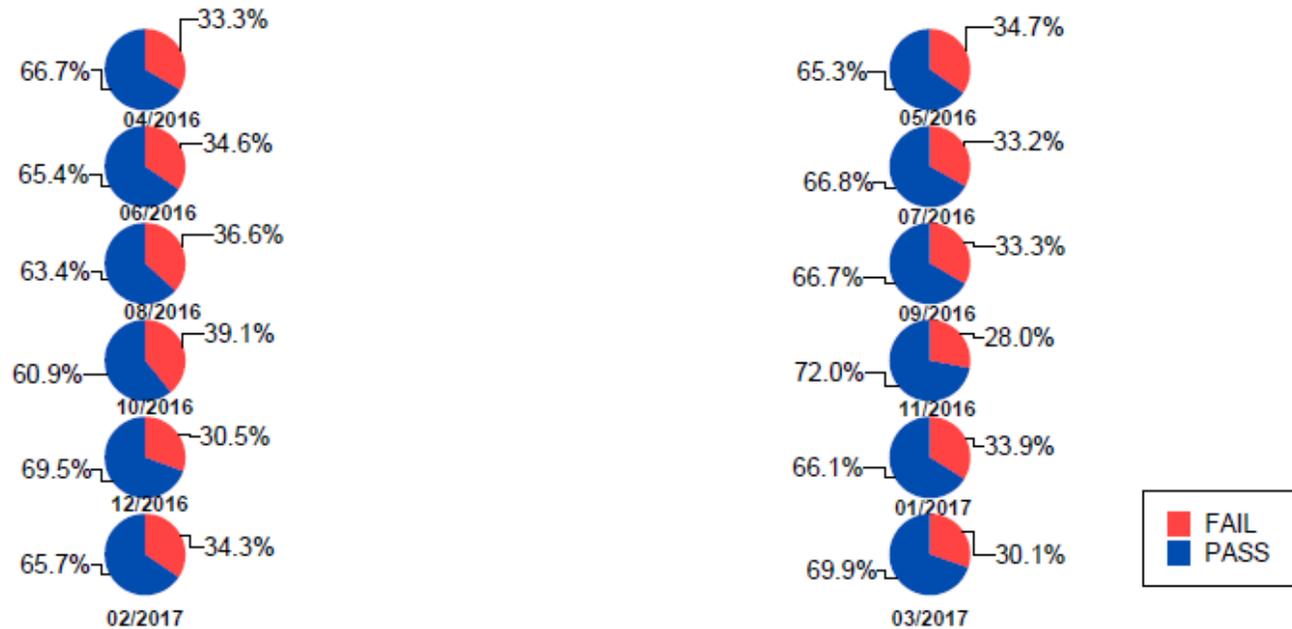
	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
FAIL	36%	36%	35%	35%	38%	34%	30%	33%	31%	35%	37%	31%	35%
No Of Vehicles	149	167	153	135	172	152	184	169	145	153	177	176	1,932
PASS	64%	64%	65%	65%	62%	66%	61%	67%	69%	65%	63%	69%	65%
No Of Vehicles	265	301	287	253	286	297	292	346	317	281	298	396	3,619
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
No Of Vehicles	414	468	440	388	458	449	476	515	462	434	475	572	5,551

City of Edinburgh Council Combined Pass Rate - Taxi



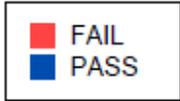
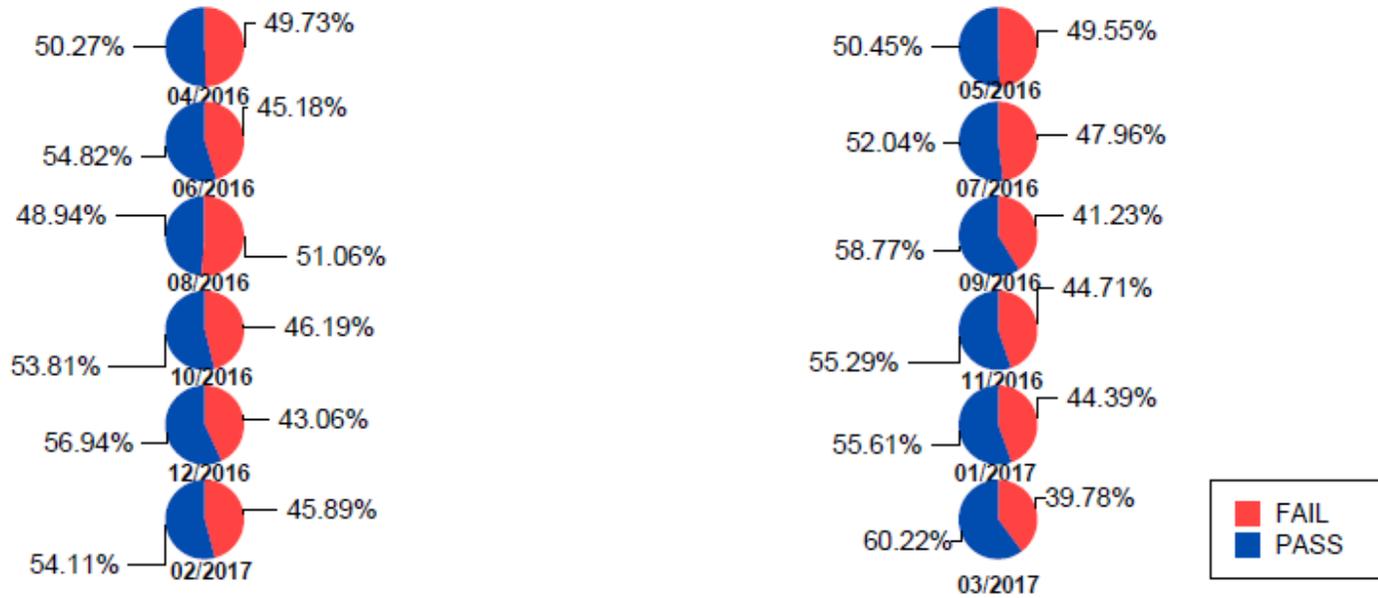
	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
FAIL	38%	37%	35%	37%	39%	34%	38%	42%	33%	38%	40%	32%	37%
No Of Vehicles	86	92	70	62	72	71	76	73	65	58	95	75	895
PASS	62%	63%	65%	63%	61%	66%	62%	58%	68%	62%	60%	68%	63%
No Of Vehicles	139	160	130	108	113	135	124	99	135	98	141	162	1,540
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
No Of Vehicles	225	252	200	168	185	206	200	172	200	154	236	237	2,435

City of Edinburgh Council Combined Pass Rate - Private Hire Cars



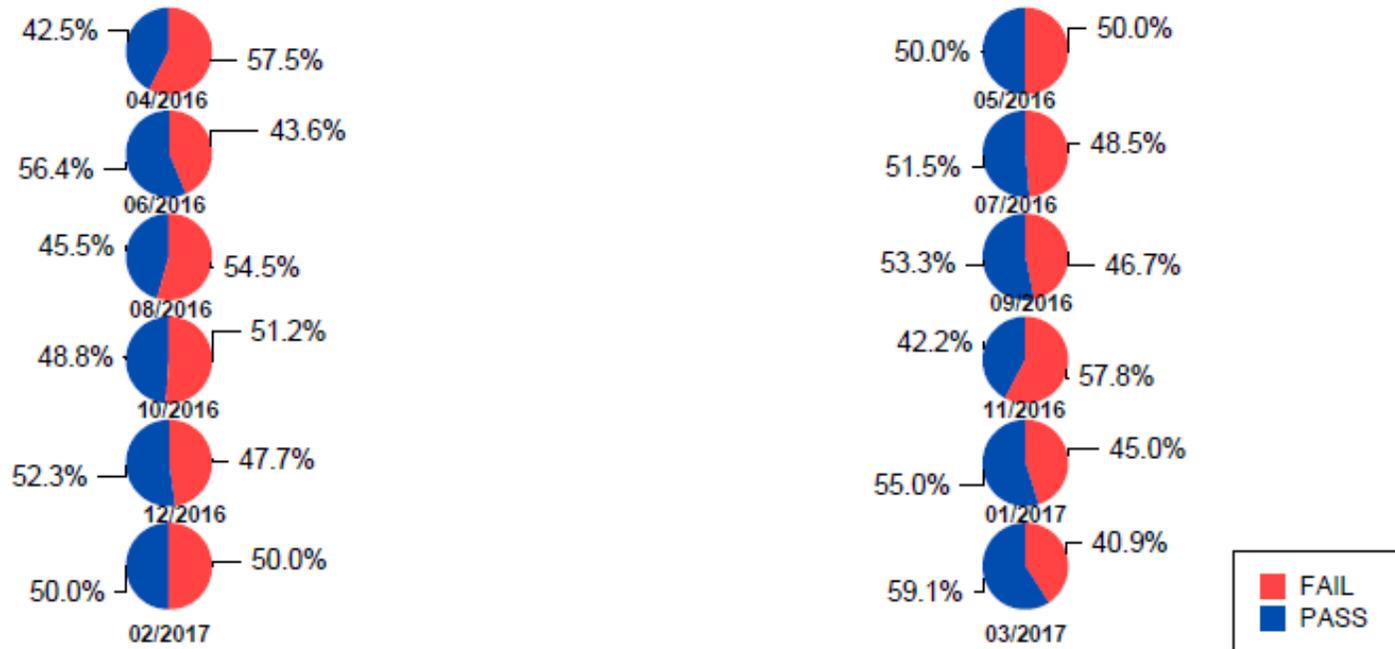
	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
FAIL	33%	35%	35%	33%	37%	33%	39%	28%	31%	34%	34%	30%	33%
No Of Vehicles	63	75	83	73	100	81	108	98	80	95	82	101	1,037
PASS	67%	65%	65%	67%	63%	67%	61%	72%	69%	66%	66%	70%	67%
No Of Vehicles	128	141	157	147	173	162	168	247	182	185	157	234	2,079
Total	100%												
No Of Vehicles	189	216	240	220	273	243	276	343	262	280	239	335	3,116

City of Edinburgh Council First Time Pass Rate - All Vehicles



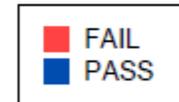
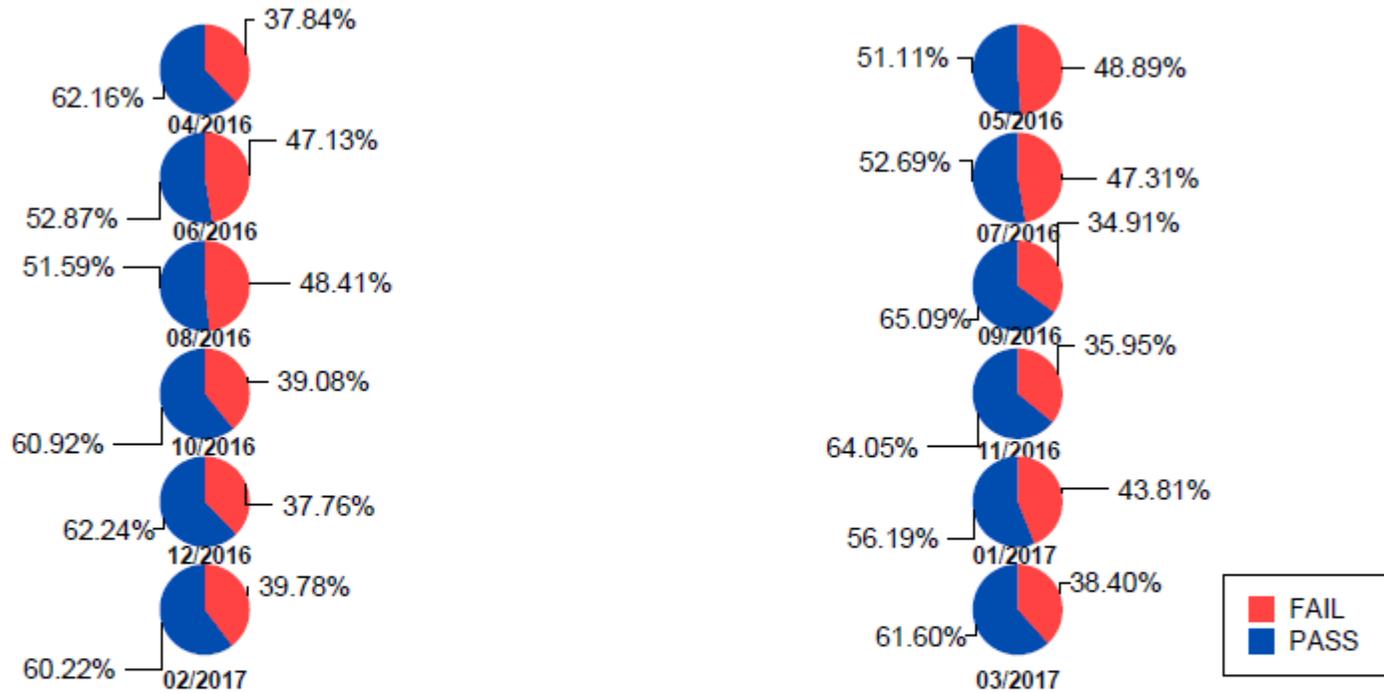
	Apr 2016	May 2016	Jun 2016	Jul 2016	Aug 2016	Sep 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017	Total
FAIL	50%	50%	45%	48%	51%	41%	46%	45%	43%	44%	46%	40%	46%
	93	109	89	94	120	94	97	114	90	95	108	109	1,210
PASS	50%	50%	55%	52%	49%	59%	54%	55%	57%	56%	54%	60%	54%
	94	111	108	102	115	134	113	141	119	119	125	165	1,448
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	187	220	197	196	235	228	210	255	209	214	231	274	2,658

City of Edinburgh Council First Time Pass Rate - Taxi



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
FAIL	58% 65	50% 65	44% 48	49% 50	55% 60	47% 57	51% 63	58% 59	48% 53	45% 49	50% 69	41% 61	49% 699
PASS	42% 48	50% 65	56% 62	51% 53	45% 50	53% 65	49% 60	42% 43	52% 58	55% 60	50% 69	59% 88	51% 721
Total	100% 113	100% 130	100% 110	100% 103	100% 110	100% 122	100% 123	100% 102	100% 111	100% 109	100% 138	100% 149	100% 1,420

City of Edinburgh Council First Time Pass Rate - Private Hire Cars



	Apr 2016	May 2016	Jun 2016	Jul 2016	Aug 2016	Sep 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017	Total
FAIL	38%	49%	47%	47%	48%	35%	30%	36%	38%	44%	40%	38%	41%
	28	44	41	44	61	37	34	55	37	46	37	48	512
PASS	62%	51%	53%	53%	52%	65%	61%	64%	62%	56%	60%	62%	59%
	46	46	46	49	65	69	53	98	61	59	56	77	725
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	74	90	87	93	126	106	87	153	98	105	93	125	1,237

City of Edinburgh Council Roadside Enforcement - All Vehicles



	04/2016	05/2016	06/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
Total Inspected	170.00	119.00	51.00	34.00	40.00	23.00	33.00	39.00	63.00	41.00	613.00
Non Compliant	7.00	20.00	6.00	10.00	4.00	3.00	10.00	1.00	9.00	10.00	80.00

City of Edinburgh Red Labels Issued- All Vehicles

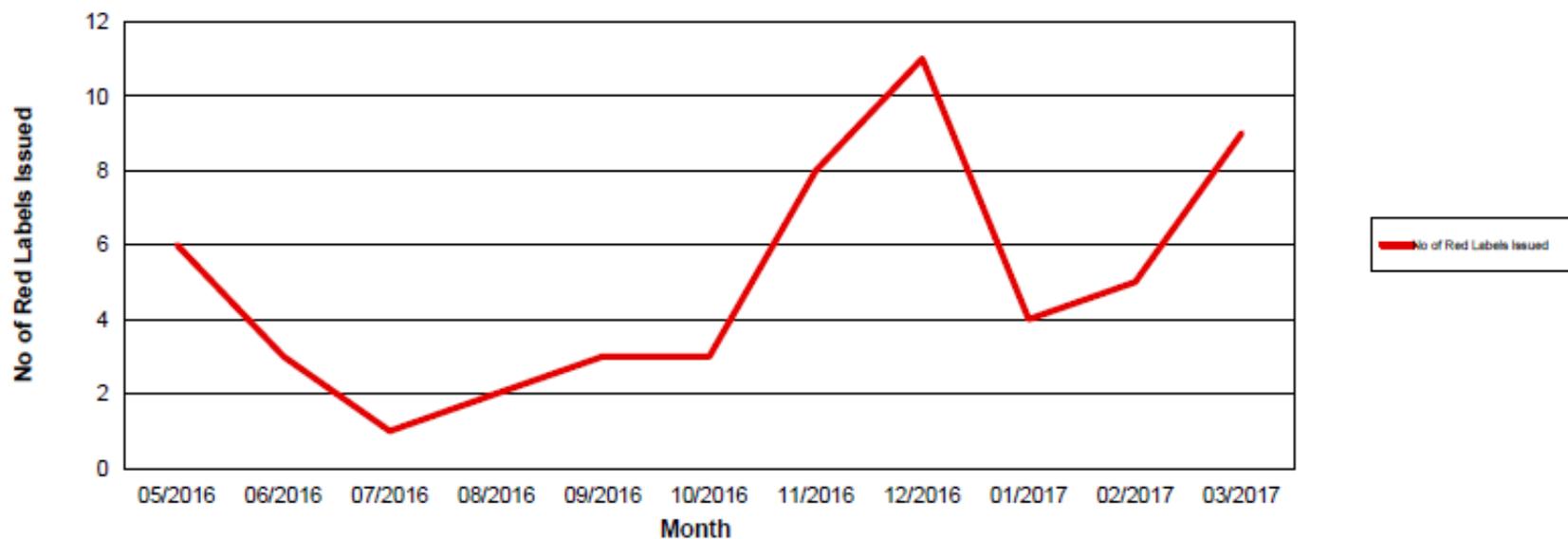


	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
Red Label Issued	4	6	3	1	3	3	3	10	14	8	5	11	71
Total	4	6	3	1	3	3	3	10	14	8	5	11	71

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

Taxi Examination Centre Performance Indicators

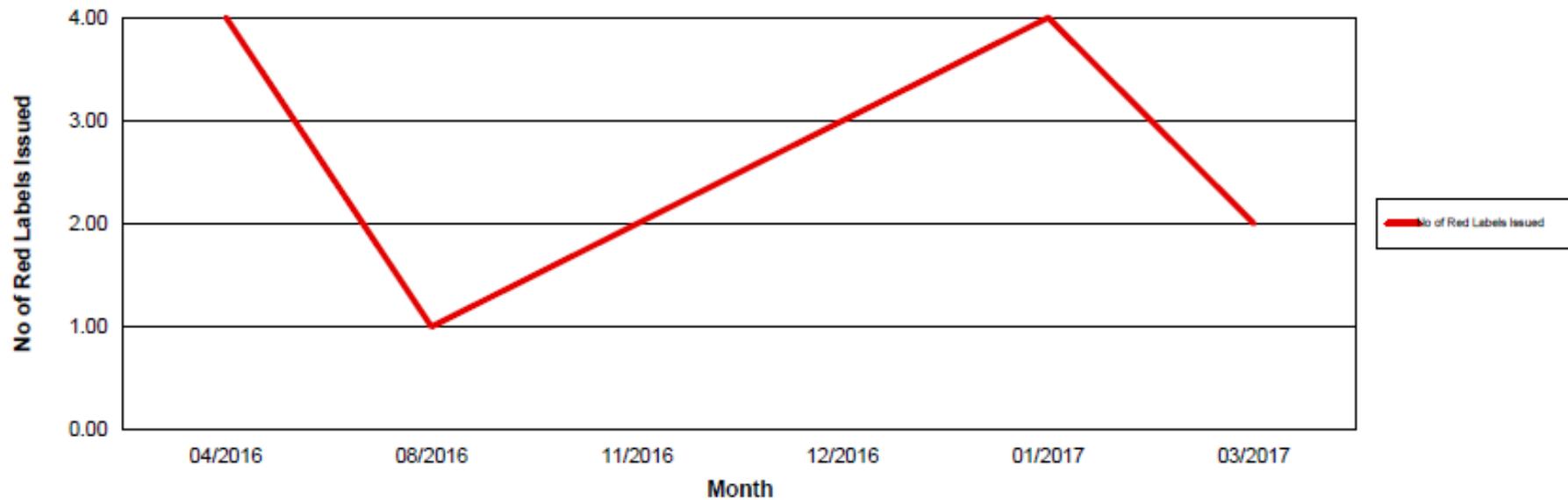
Red Labels Issued- Taxis



	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
Red Label Issued	6	3	1	2	3	3	8	11	4	5	9	55
Total	6	3	1	2	3	3	8	11	4	5	9	55

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

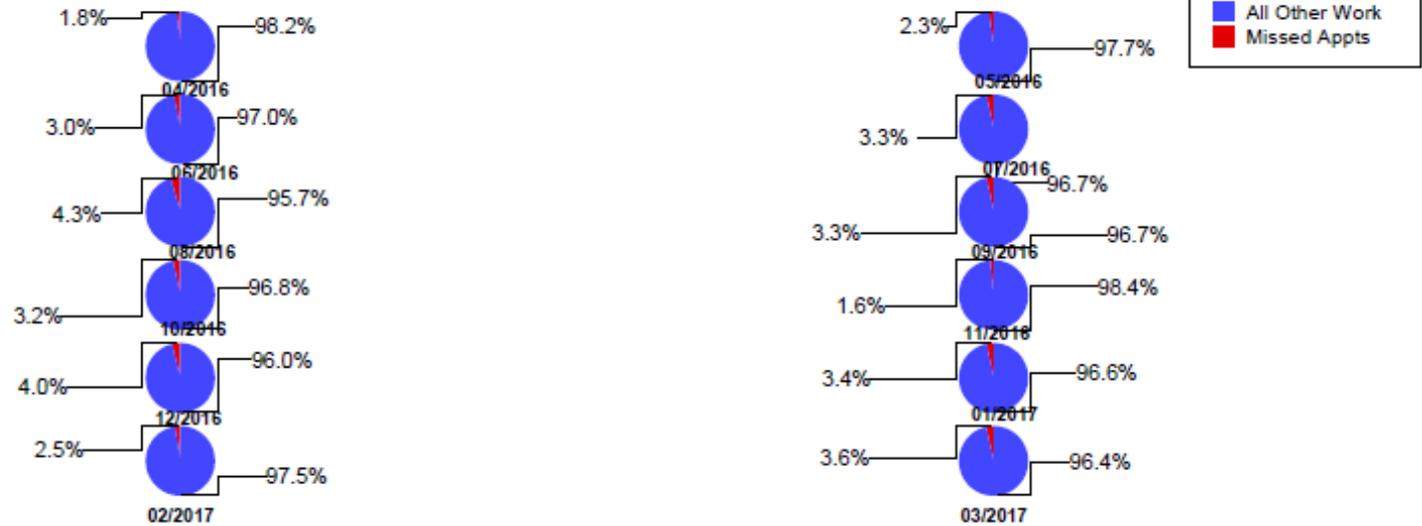
Taxi Examination Centre Performance Indicators Red Labels Issued- Private Hire Vehicles



	04/2016	08/2016	11/2016	12/2016	01/2017	03/2017	Total
Red Label Issued	4	1	2	3	4	2	16
Total	4	1	2	3	4	2	16

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

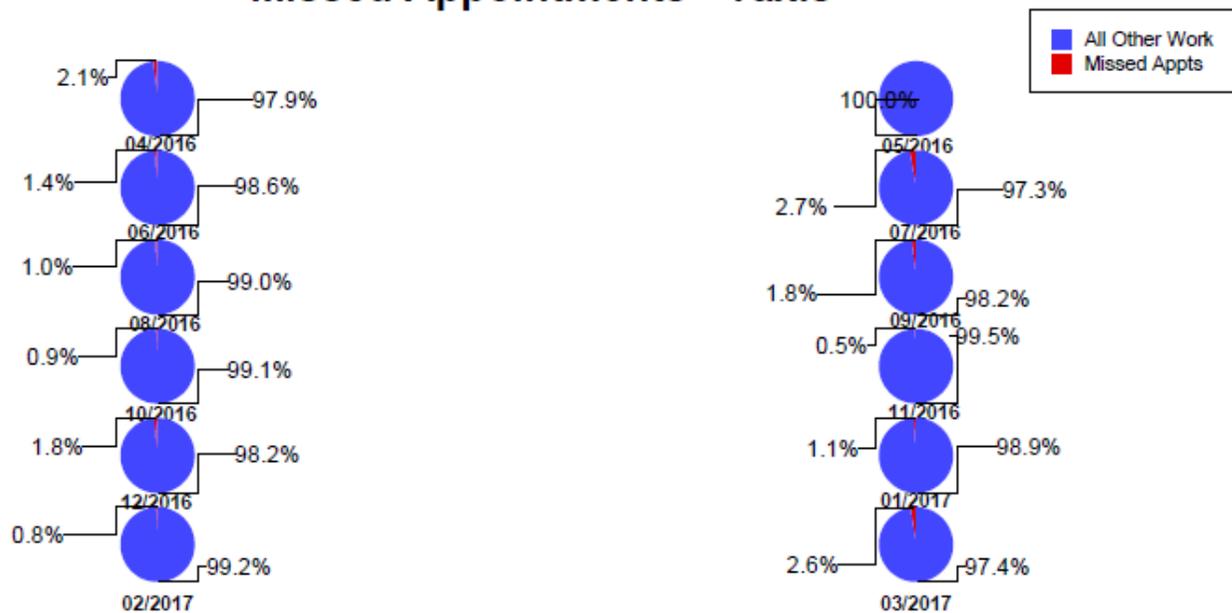
City Of Edinburgh Council Missed Appointments - All Vehicles



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017
All Other Work	98%	98%	97%	97%	98%	97%	97%	98%	96%	97%
Hours on Vehicles	870	998	910	812	972	948	1,020	1,134	1,018	972
No Of Vehicles	435	499	455	408	488	474	510	587	508	488
Missed Appts	2%	2%	3%	3%	4%	3%	3%	2%	4%	3%
Hours Lost	18	24	28	28	44	32	34	18	42	34
No Of Vehicles	8	12	14	14	22	16	17	9	21	17
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	886.00	1,022.00	938.00	840.00	1,018.00	980.00	1,054.00	1,152.00	1,058.00	1,008.00
	443	511	469	420	508	490	527	578	529	503

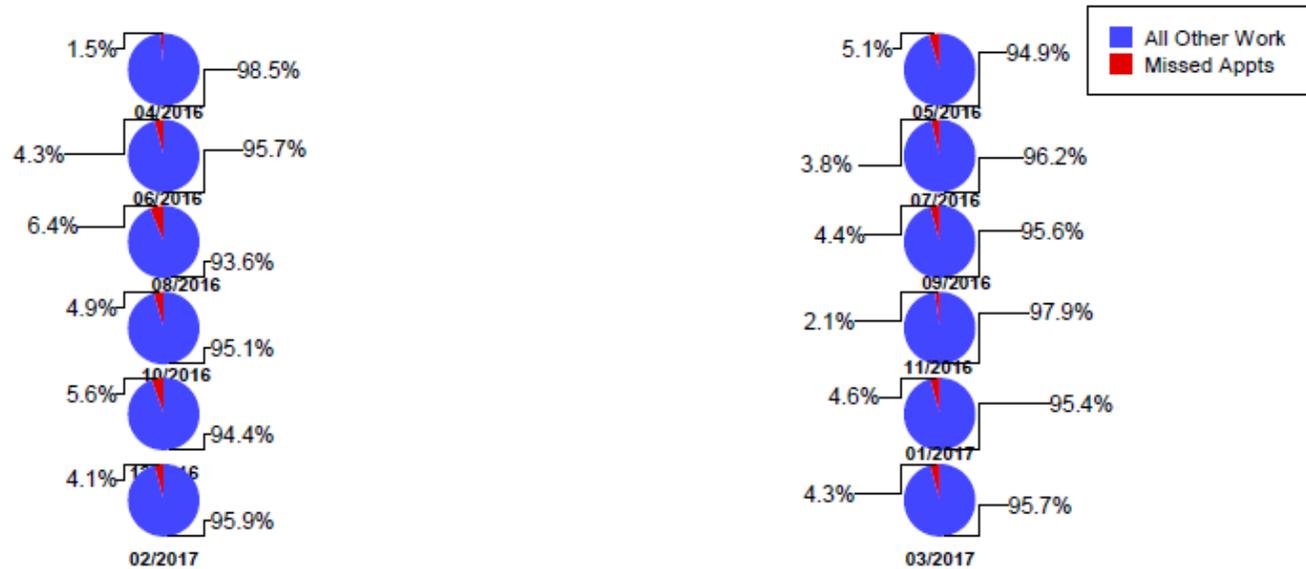
Note : Examiners currently work 37hours per week

City of Edinburgh Council Missed Appointments - Taxis



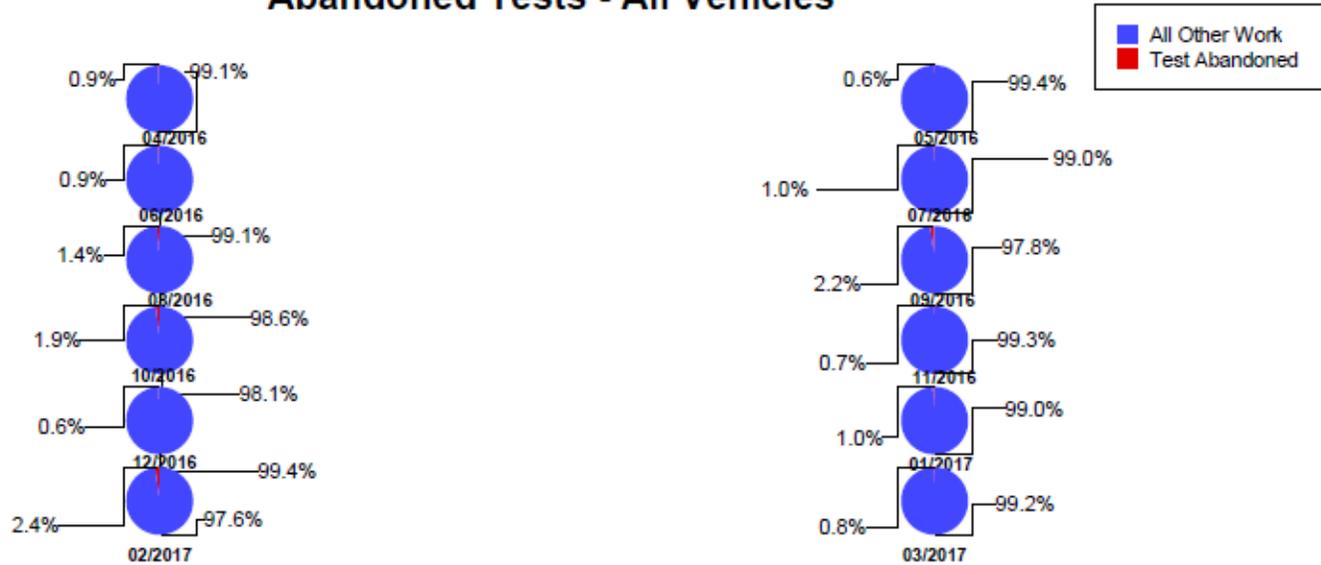
	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
All Other Work	98%	100%	99%	97%	99%	98%	99%	99%	98%	99%	99%	97%	99%
Hours on Vehicles	472	554	418	358	388	428	432	388	440	344	518	518	5,252
No Of Vehicles	238	277	208	178	194	214	216	194	220	172	258	259	2,628
Missed Appts	2%	0%	1%	3%	1%	2%	1%	1%	2%	1%	1%	3%	1%
Hours Lost	10	0	6	10	4	8	4	2	8	4	4	14	74
No Of Vehicles	5	0	3	5	2	4	2	1	4	2	2	7	37
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	482.00	554.00	422.00	388.00	392.00	438.00	438.00	390.00	448.00	348.00	520.00	532.00	5,328.00
	241	277	211	183	196	218	218	195	224	174	260	268	2,663

City of Edinburgh Council Missed Appointments - Private Hire Cars



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
All Other Work	98%	95%	96%	96%	94%	96%	95%	98%	94%	95%	96%	96%	96%
Hours on Vehicles	398.00	444.00	494.00	456.00	584.00	520.00	588.00	746.00	578.00	628.00	560.00	752.00	6,746.00
No Of Vehicles	199	222	247	228	292	260	294	373	288	314	280	376	3,373
Missed Appts	1%	5%	4%	4%	6%	4%	5%	2%	6%	5%	4%	4%	4%
Hours Lost	6.00	24.00	22.00	18.00	40.00	24.00	30.00	16.00	34.00	30.00	24.00	34.00	302.00
No Of Vehicles	3	12	11	9	20	12	15	8	17	15	12	17	151
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	404.00	488.00	516.00	474.00	624.00	544.00	618.00	782.00	610.00	658.00	584.00	786.00	7,048.00
	202	234	258	237	312	272	309	381	305	329	292	393	3,524

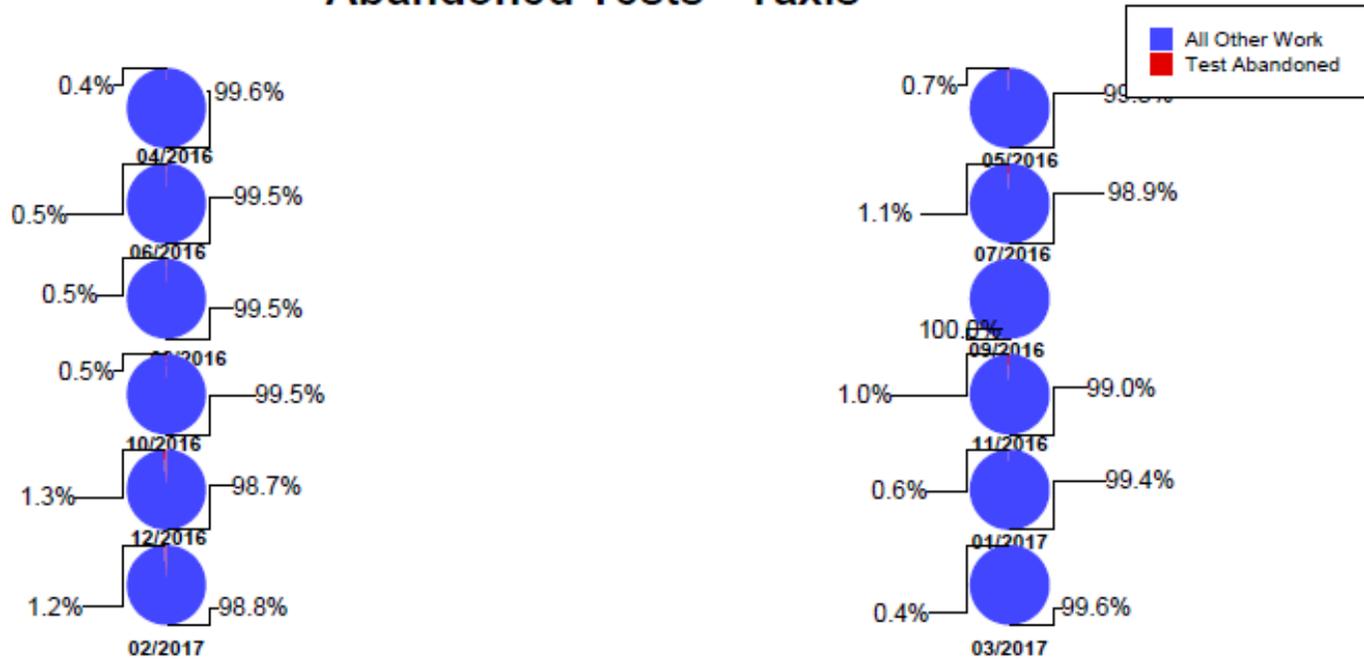
City of Edinburgh Council Abandoned Tests - All Vehicles



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017
All Other Work	99%	99%	99%	99%	99%	98%	98%	99%	99%	99%	98%
Hours on Vehicles	878	1,016	930	832	1,002	958	1,034	1,144	1,052	998	1,078
No Of Vehicles	439	508	465	418	501	479	517	572	528	498	539
Test Abandoned	1%	1%	1%	1%	1%	2%	2%	1%	1%	1%	2%
Hours Lost	8	6	8	8	14	22	20	8	6	10	28
No Of Vehicles	4	3	4	4	7	11	10	4	3	5	13
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	888.00	1,022.00	938.00	840.00	1,016.00	980.00	1,054.00	1,152.00	1,058.00	1,008.00	1,104.00
	443	511	469	420	508	490	527	576	529	503	552

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

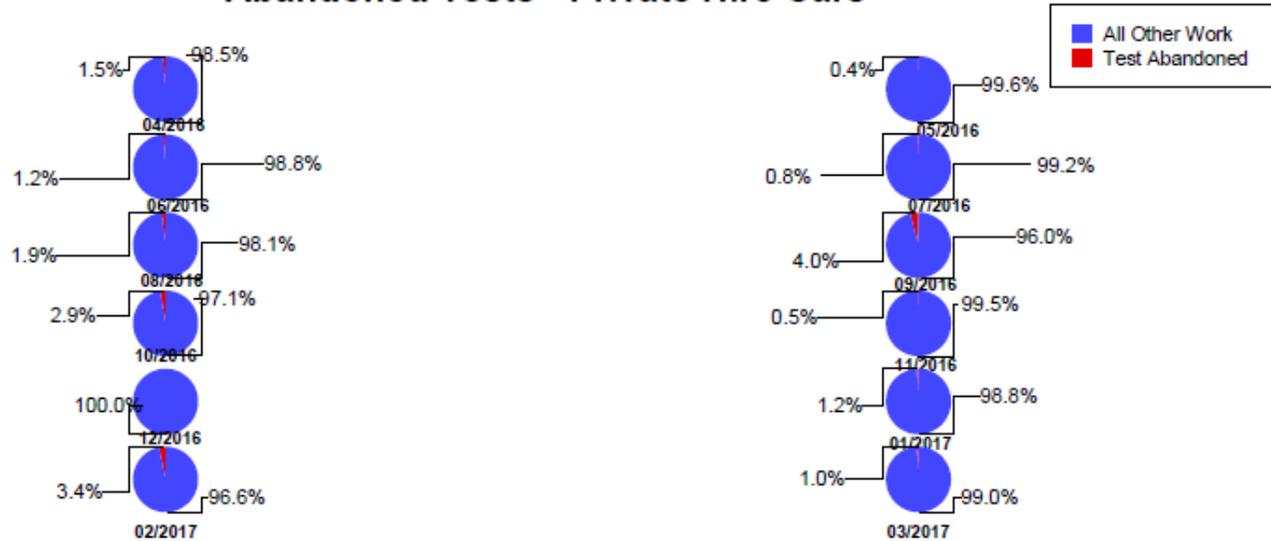
City of Edinburgh Council Abandoned Tests - Taxis



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
All Other Work	100%	99%	100%	99%	99%	100%	100%	99%	99%	99%	99%	100%	99%
Hours on Vehicles	480.00	550.00	420.00	362.00	390.00	436.00	434.00	386.00	442.00	346.00	514.00	530.00	5,290.00
Test Abandoned	0%	1%	0%	1%	1%	0%	0%	1%	1%	1%	1%	0%	1%
Hours Lost	2.00	4.00	2.00	4.00	2.00	0.00	2.00	4.00	6.00	2.00	6.00	2.00	36.00
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	482.00	554.00	422.00	366.00	392.00	436.00	436.00	390.00	448.00	348.00	520.00	532.00	5,326.00

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

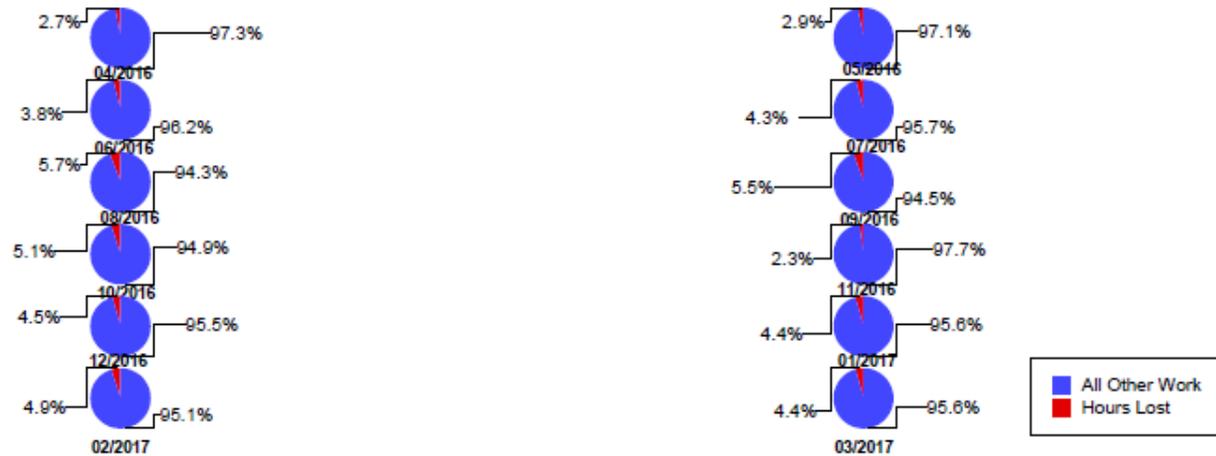
City of Edinburgh Council Abandoned Tests - Private Hire Cars



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
All Other Work	99%	100%	99%	99%	98%	98%	97%	99%	100%	99%	97%	99%	98%
Hours on Vehicles	398.00	466.00	510.00	470.00	612.00	522.00	600.00	758.00	610.00	650.00	564.00	778.00	6,938.00
No Of Vehicles	199	233	255	235	306	261	300	379	305	325	282	389	3,469
Test Abandoned	1%	0%	1%	1%	2%	4%	3%	1%	0%	1%	3%	1%	2%
Hours Lost	6.00	2.00	6.00	4.00	12.00	22.00	18.00	4.00	0.00	8.00	20.00	8.00	110.00
No Of Vehicles	3	1	3	2	6	11	9	2	0	4	10	4	55
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Hours on Vehicles	404.00	468.00	516.00	474.00	624.00	544.00	618.00	762.00	610.00	658.00	584.00	786.00	7,048.00
No Of Vehicles	202	234	258	237	312	272	309	381	305	329	292	393	3,524

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

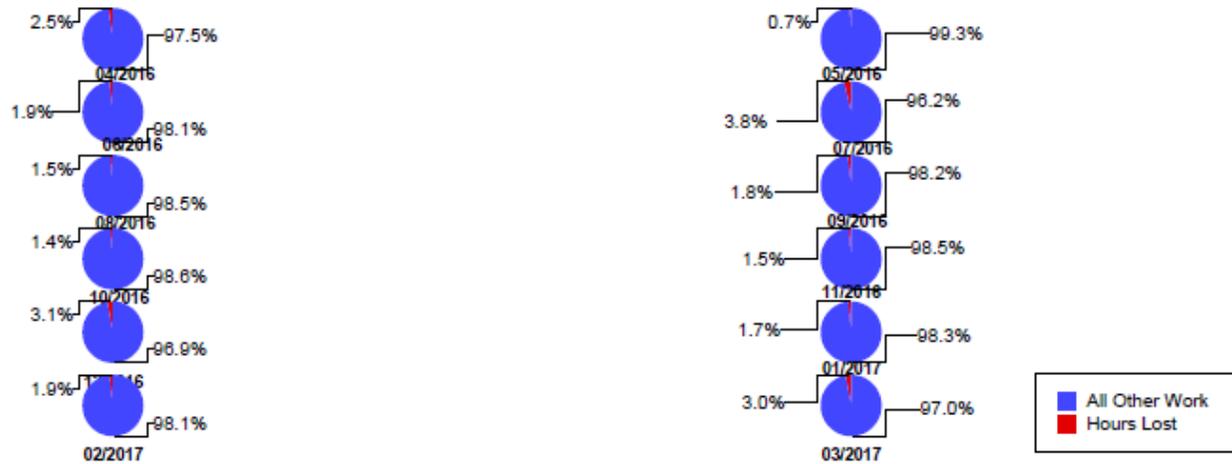
City of Edinburgh Council Total Examiner Hours Lost - All Vehicles



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017
All Other Work	97%	97%	96%	96%	94%	94%	95%	98%	95%	96%	95%	96%
Hours on Vehicles	862.00	992.00	902.00	804.00	958.00	926.00	1,000.00	1,126.00	1,010.00	962.00	1,050.00	1,280.00
No Of Vehicles	431	496	451	402	479	463	500	563	505	481	525	631
Hours Lost	3%	3%	4%	4%	6%	6%	5%	2%	5%	4%	5%	4%
No Of Vehicles	24.00	30.00	36.00	36.00	58.00	54.00	54.00	26.00	48.00	44.00	54.00	58.00
	12	15	18	18	29	27	27	13	24	22	27	29
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	886.00	1,022.00	938.00	840.00	1,016.00	980.00	1,054.00	1,152.00	1,058.00	1,008.00	1,104.00	1,318.00
	443	511	469	420	508	490	527	576	529	503	552	658

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests . As a guide each Examiner currently works 36 hours per week.

City of Edinburgh Council Examiner Hours Lost - Taxis



	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
All Other Work	98%	99%	98%	98%	98%	98%	99%	98%	97%	98%	98%	97%	98%
Hours on Vehicles	470.00	550.00	414.00	352.00	386.00	428.00	430.00	384.00	434.00	342.00	510.00	516.00	5,216.00
No Of Vehicles	235	275	207	176	193	214	215	182	217	171	255	258	2,608
Hours Lost	2%	1%	2%	4%	2%	2%	1%	2%	3%	2%	2%	3%	2%
	12.00	4.00	8.00	14.00	6.00	8.00	6.00	6.00	14.00	6.00	10.00	16.00	110.00
No Of Vehicles	6	2	4	7	3	4	3	3	7	3	5	8	55
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	482.00	554.00	422.00	366.00	392.00	436.00	436.00	390.00	448.00	348.00	520.00	532.00	5,326.00
	241	277	211	183	196	218	218	195	224	174	260	266	2,663

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests . As a guide each Examiner currently works 36 hours per week.

City of Edinburgh Council Examiner Hours Lost - Private Hire Cars



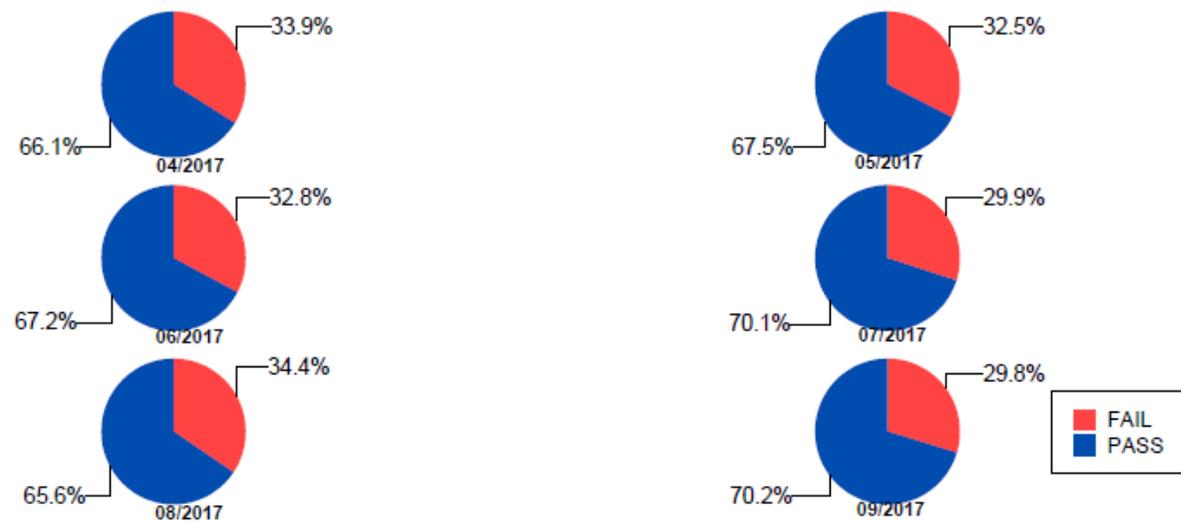
	04/2016	05/2016	06/2016	07/2016	08/2016	09/2016	10/2016	11/2016	12/2016	01/2017	02/2017	03/2017	Total
All Other Work	97%	94%	95%	95%	92%	92%	92%	97%	94%	94%	92%	95%	94%
Hours on Vehicles	392.00	442.00	488.00	452.00	572.00	498.00	570.00	742.00	576.00	620.00	540.00	744.00	6,636.00
No Of Vehicles	196	221	244	226	286	249	285	371	288	310	270	372	3,318
Hours Lost	3%	6%	5%	5%	8%	8%	8%	3%	6%	6%	8%	5%	6%
Hours	12.00	26.00	28.00	22.00	52.00	46.00	48.00	20.00	34.00	38.00	44.00	42.00	412.00
No Of Vehicles	6	13	14	11	26	23	24	10	17	19	22	21	208
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Hours	404.00	468.00	516.00	474.00	624.00	544.00	618.00	762.00	610.00	658.00	584.00	786.00	7,048.00
No Of Vehicles	202	234	258	237	312	272	309	381	305	329	292	393	3,524

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests . As a guide each Examiner currently works 36 hours per week.

Appendix 2 – Taxi Examination Centre

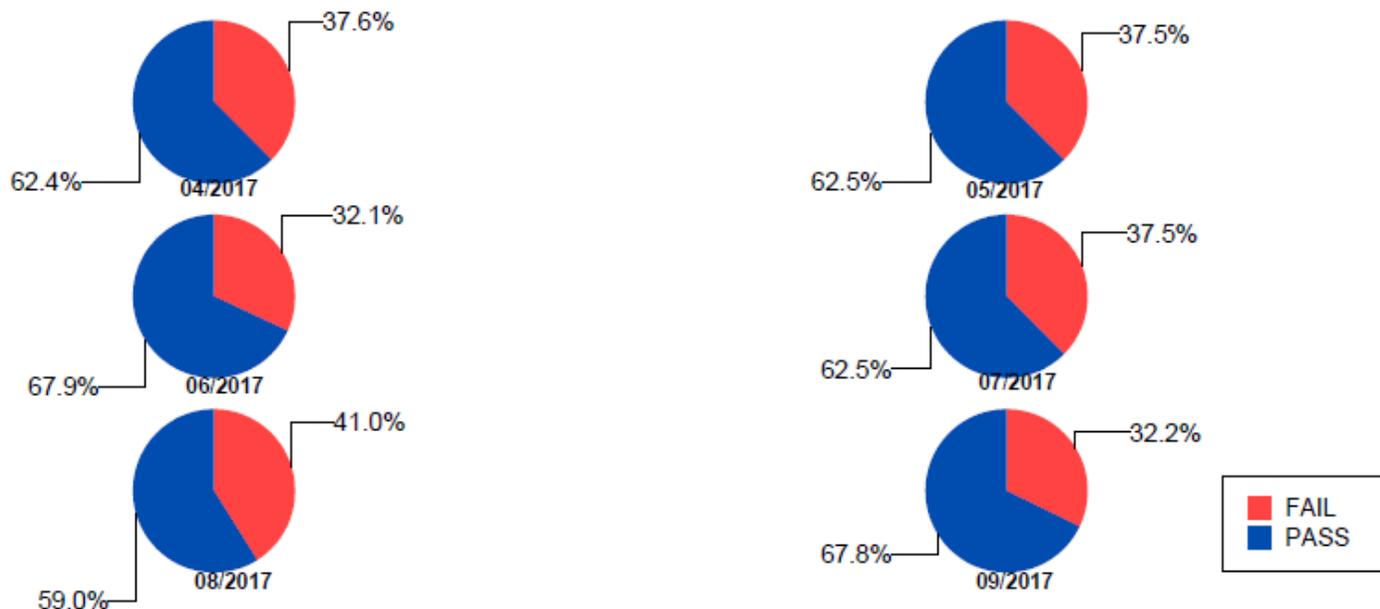
Key Performance Indicators Report April 2017 - September 2017

City of Edinburgh Council Combined Pass Rate All Vehicles



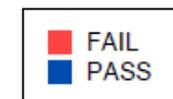
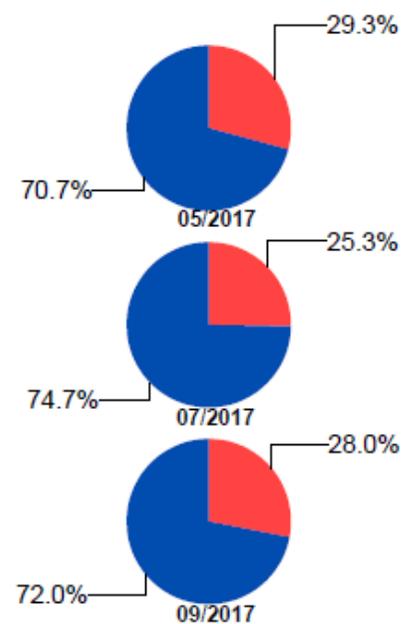
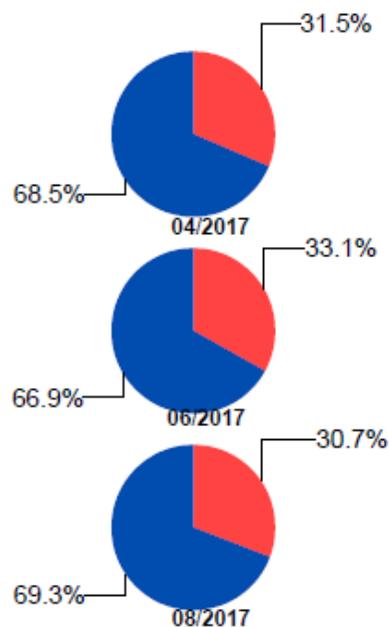
	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
FAIL	34%	33%	33%	30%	34%	30%	32%
No Of Vehicles	163	178	176	147	177	129	970
PASS	66%	67%	67%	70%	66%	70%	68%
No Of Vehicles	318	369	361	345	338	304	2,035
Total	100%						
No Of Vehicles	481	547	537	492	515	433	3,005

City of Edinburgh Council Combined Pass Rate - Taxi



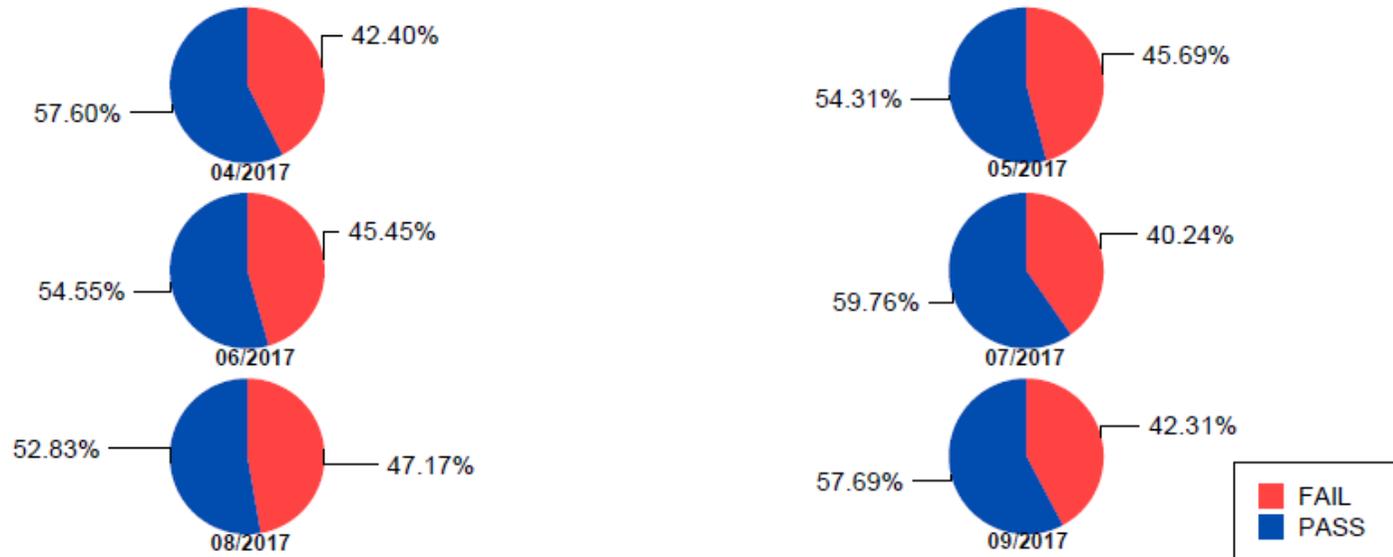
	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
FAIL	38%	38%	32%	38%	41%	32%	36%
No Of Vehicles	70	81	59	69	75	59	413
PASS	62%	63%	68%	63%	59%	68%	64%
No Of Vehicles	116	135	125	115	108	124	723
Total	100%						
No Of Vehicles	186	216	184	184	183	183	1,136

City of Edinburgh Council Combined Pass Rate - Private Hire Cars



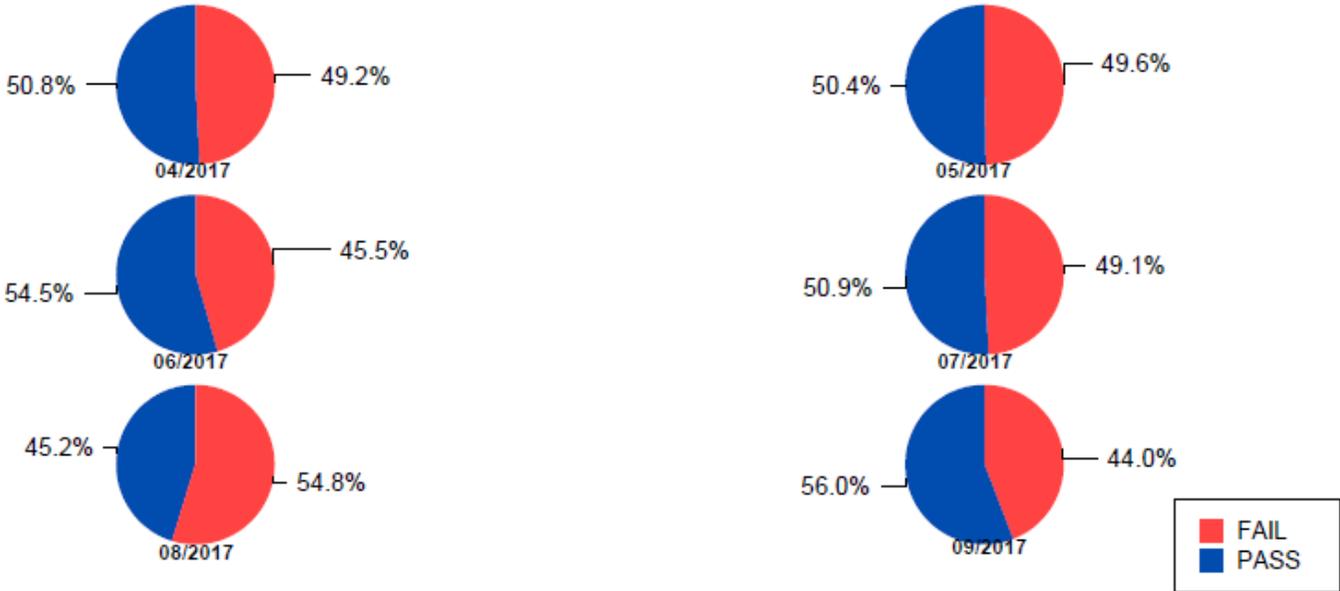
	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
FAIL	32%	29%	33%	25%	31%	28%	30%
No Of Vehicles	93	97	117	78	102	70	557
PASS	68%	71%	67%	75%	69%	72%	70%
No Of Vehicles	202	234	236	230	230	180	1,312
Total	100%						
No Of Vehicles	295	331	353	308	332	250	1,869

City of Edinburgh Council First Time Pass Rate - All Vehicles



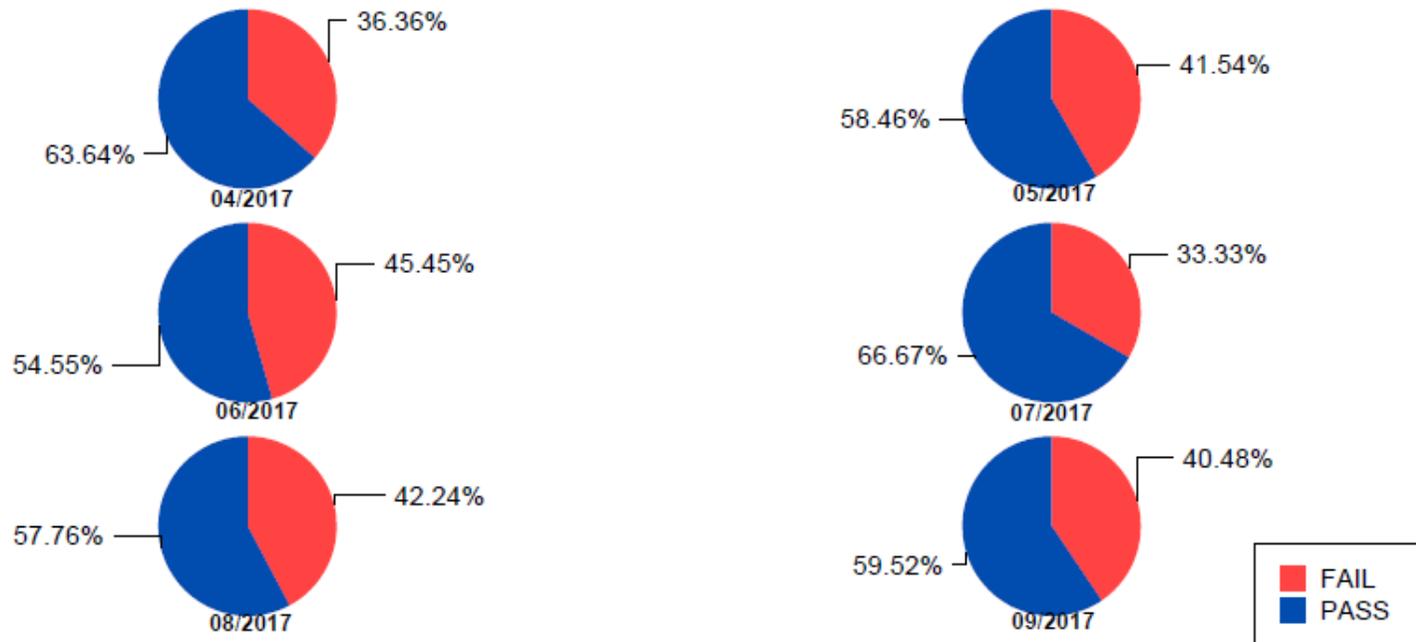
	Apr 2017	May 2017	Jun 2017	Jul 2017	Aug 2017	Sep 2017	Total
FAIL	42%	46%	45%	40%	47%	42%	44%
	108	122	120	99	125	99	671
PASS	58%	54%	55%	60%	53%	58%	56%
	144	145	144	147	140	135	855
Total	100%						
	250	267	264	246	265	234	1,528

City of Edinburgh Council First Time Pass Rate - Taxi



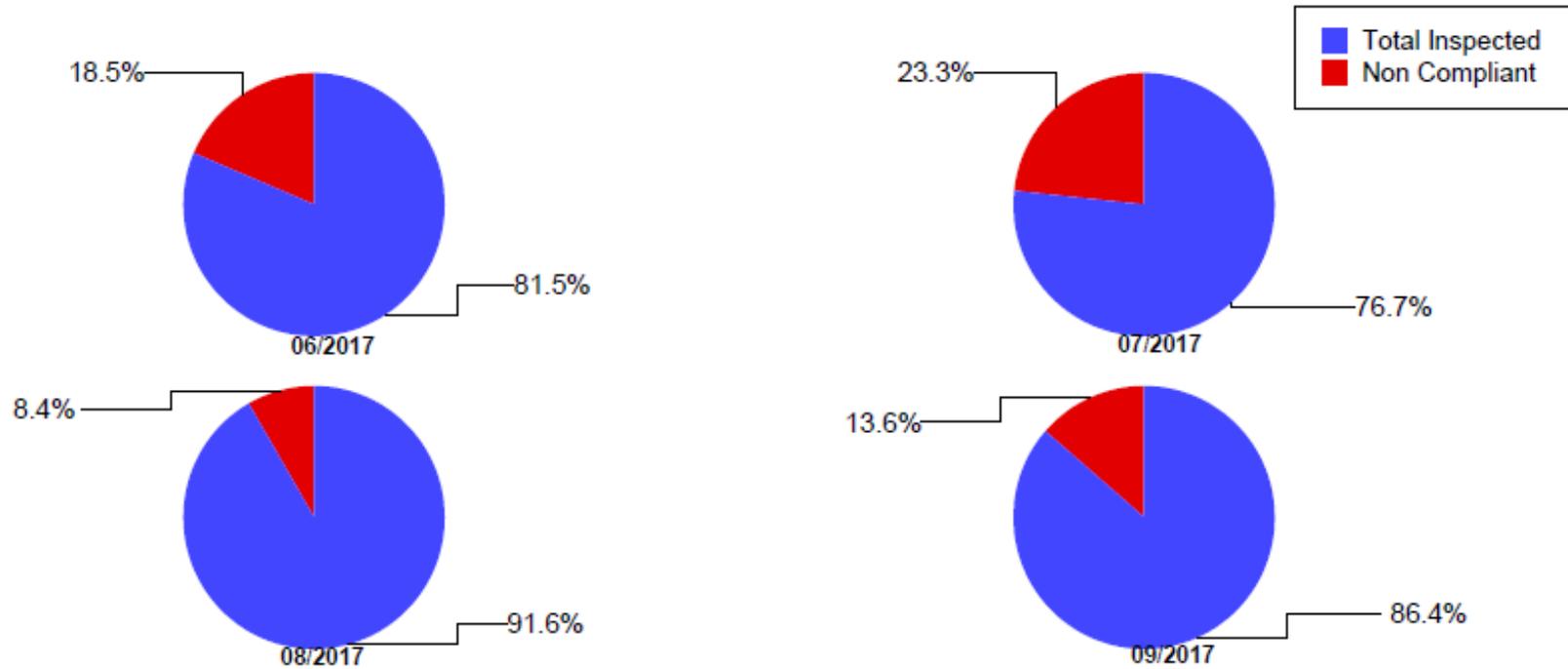
	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
FAIL	49% 58	50% 68	45% 50	49% 54	55% 57	44% 48	49% 335
PASS	51% 60	50% 69	55% 60	51% 56	45% 47	56% 61	51% 353
Total	100% 118	100% 137	100% 110	100% 110	100% 104	100% 109	100% 688

City of Edinburgh Council First Time Pass Rate - Private Hire Cars



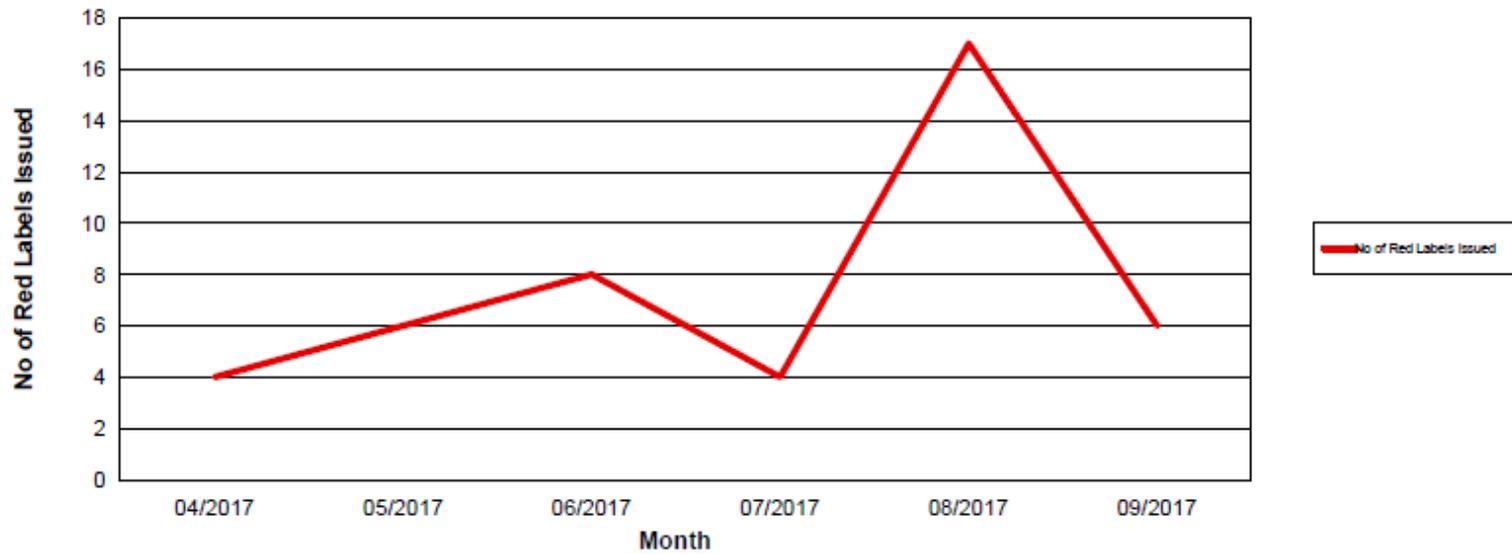
	Apr 2017	May 2017	Jun 2017	Jul 2017	Aug 2017	Sep 2017	Total
FAIL	36%	42%	45%	33%	42%	40%	40%
	48	54	70	45	68	51	336
PASS	64%	58%	55%	67%	58%	60%	60%
	84	76	84	90	93	75	502
Total	100%	100%	100%	100%	100%	100%	100%
	132	130	154	135	161	126	838

City of Edinburgh Council Roadside Enforcement - All Vehicles



	06/2017	07/2017	08/2017	09/2017	Total
Total Inspected	154.00	148.00	217.00	57.00	576.00
Non Compliant	35.00	45.00	20.00	9.00	109.00

City of Edinburgh Red Labels Issued- All Vehicles

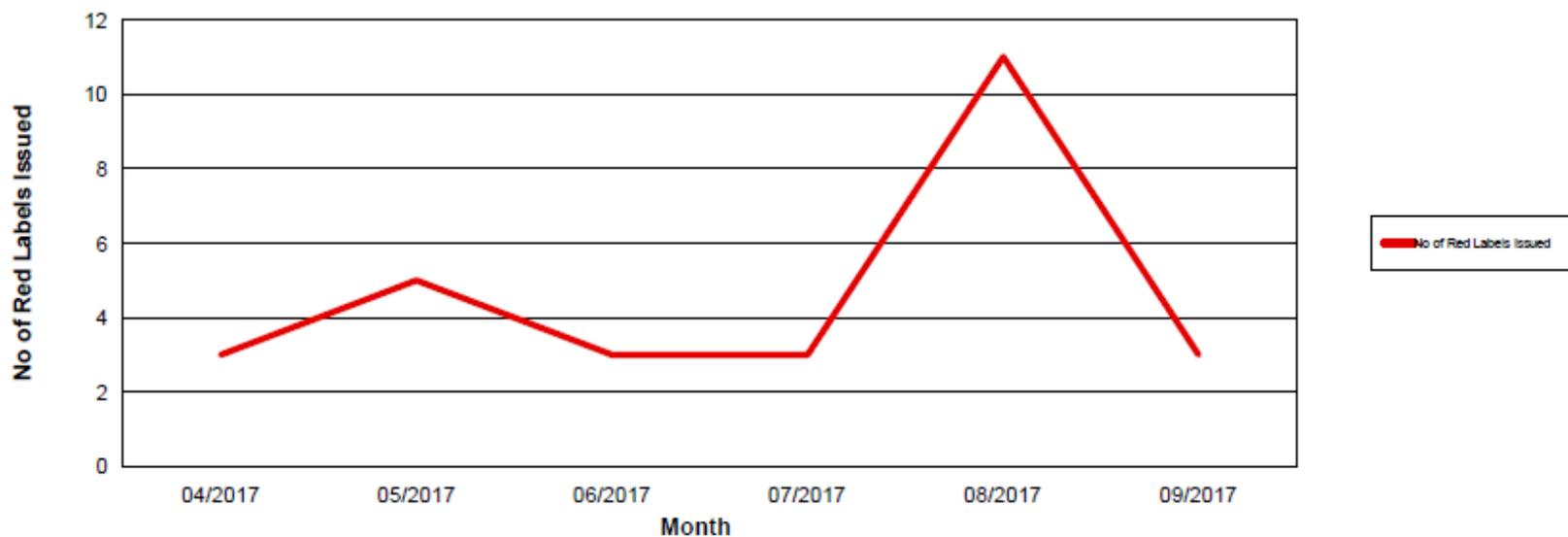


	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
Red Label Issued	4	6	8	4	17	6	45
Total	4	6	8	4	17	6	45

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

Taxi Examination Centre Performance Indicators

Red Labels Issued- Taxis

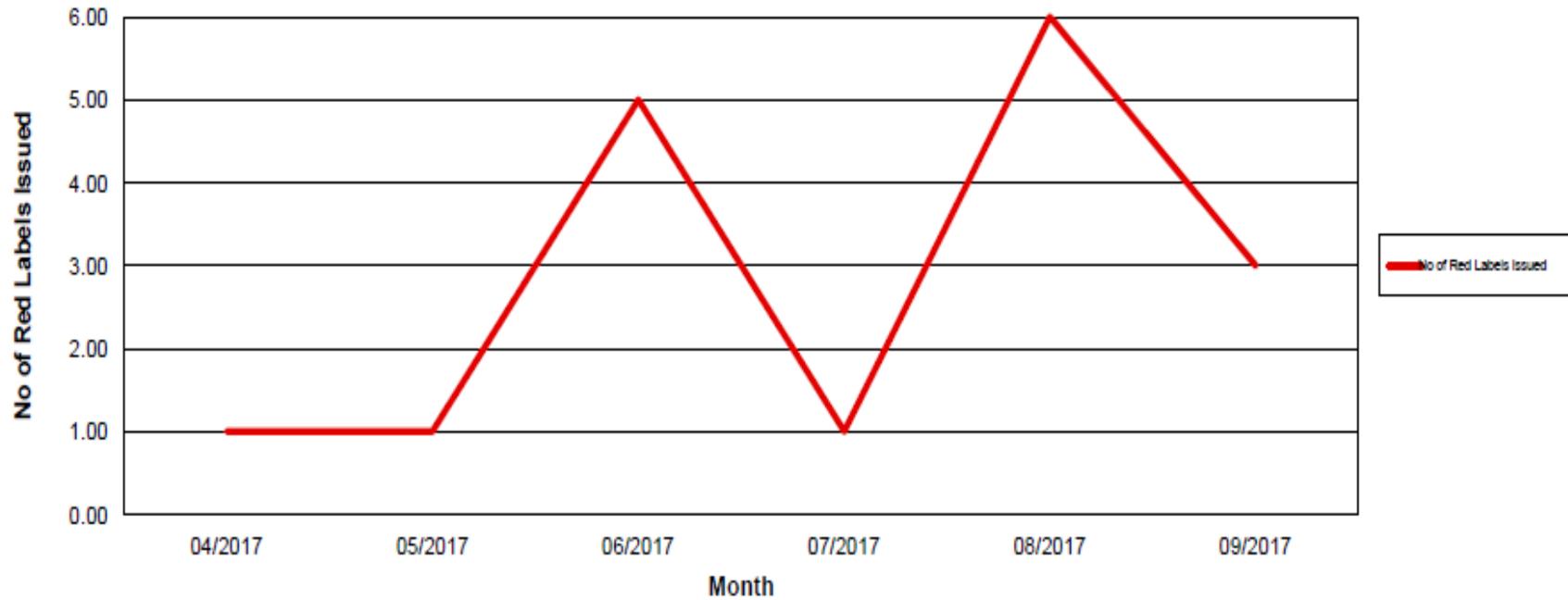


	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
Red Label Issued	3	5	3	3	11	3	28
Total	3	5	3	3	11	3	28

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

Taxi Examination Centre Performance Indicators

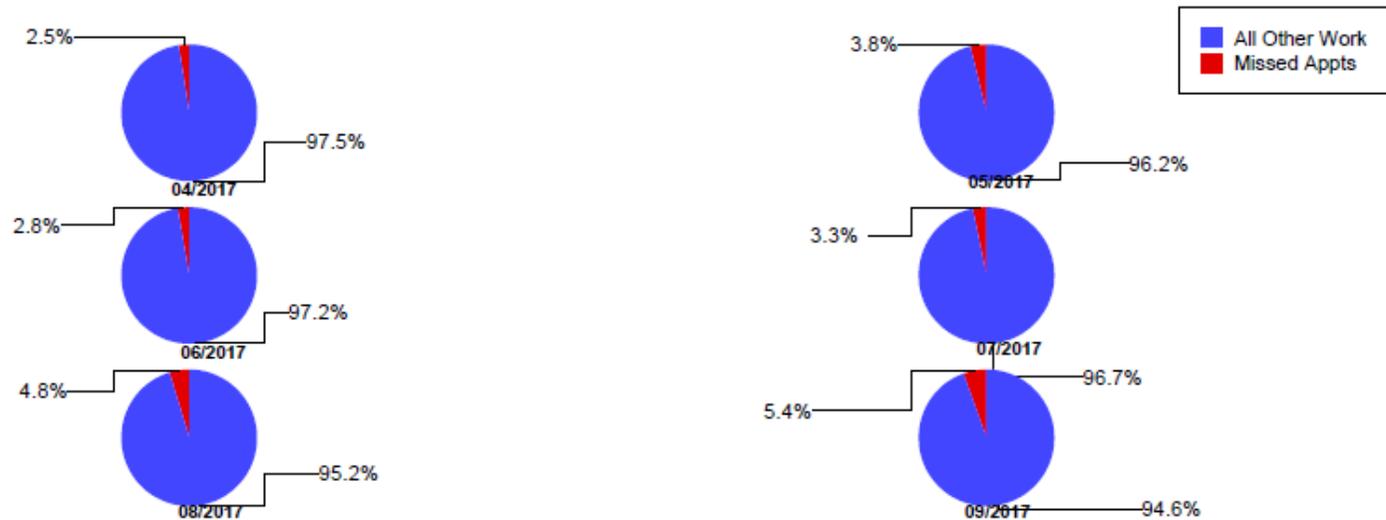
Red Labels Issued- Private Hire Vehicles



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
Red Label Issued	1	1	5	1	6	3	17
Total	1	1	5	1	6	3	17

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

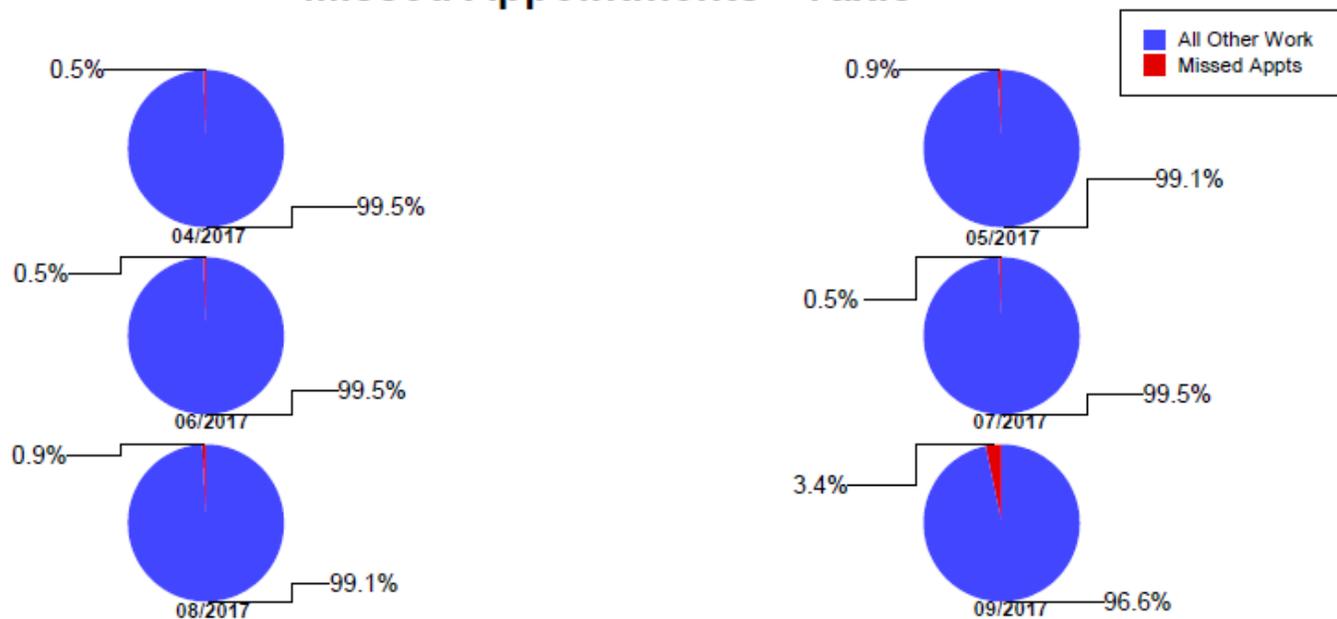
City Of Edinburgh Council Missed Appointments - All Vehicles



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work	98%	96%	97%	97%	95%	95%	96%
Hours on Vehicles	1,016	1,166	1,202	1,070	1,156	972	6,582
No Of Vehicles	508	583	601	535	578	486	3,291
Missed Appts	2%	4%	3%	3%	5%	5%	4%
Hours Lost	26	46	34	36	58	56	256
No Of Vehicles	13	23	17	18	29	28	128
Total	100%	100%	100%	100%	100%	100%	100%
	1,042.00	1,212.00	1,236.00	1,106.00	1,214.00	1,028.00	6,838.00
	521	606	618	553	607	514	3,419

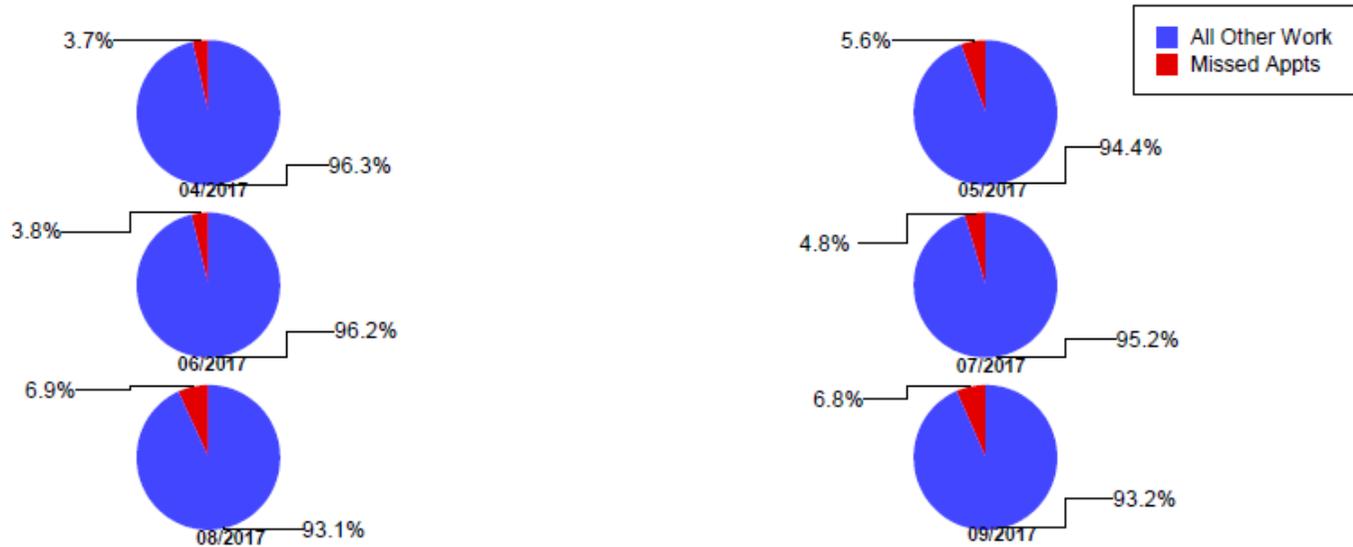
Note : Examiners currently work 37hours per week

City of Edinburgh Council Missed Appointments - Taxis



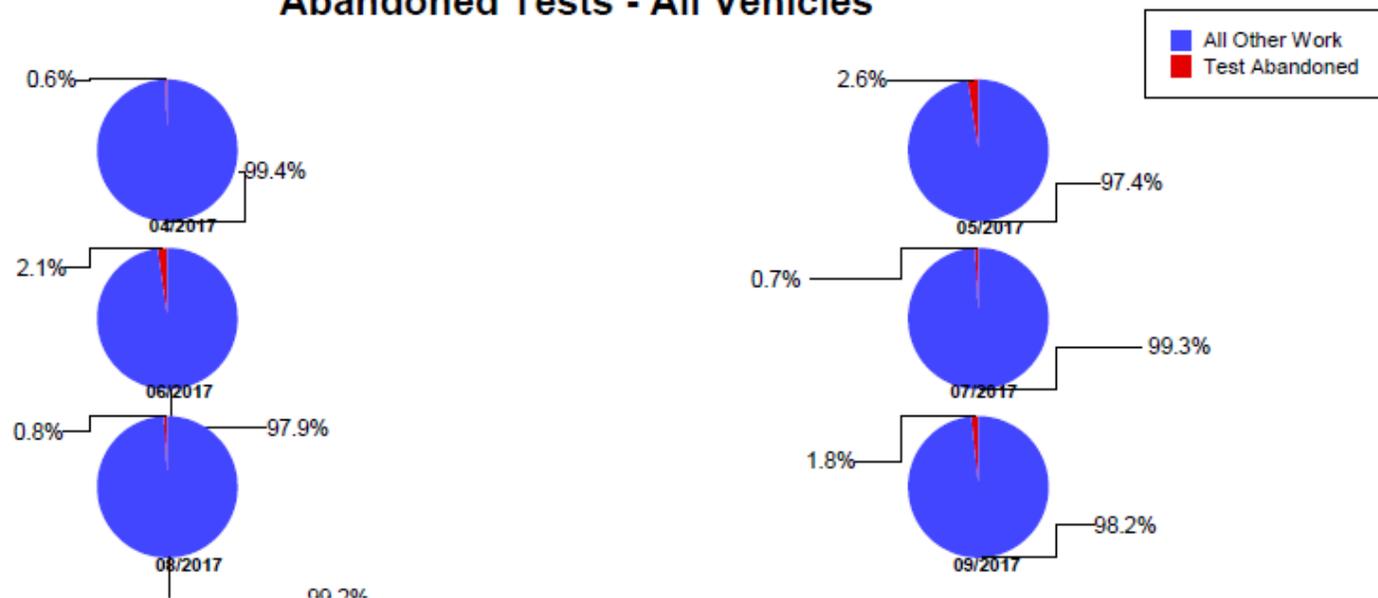
	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work	99%	99%	100%	99%	99%	97%	99%
Hours on Vehicles	394	452	402	390	428	394	2,460
No Of Vehicles	197	228	201	195	214	197	1,230
Missed Appts	1%	1%	0%	1%	1%	3%	1%
Hours Lost	2	4	2	2	4	14	28
No Of Vehicles	1	2	1	1	2	7	14
Total	100%	100%	100%	100%	100%	100%	100%
	398.00	456.00	404.00	392.00	432.00	408.00	2,488.00
	198	228	202	196	216	204	1,244

City of Edinburgh Council Missed Appointments - Private Hire Cars



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work	96%	94%	96%	95%	93%	93%	95%
Hours on Vehicles	622.00	714.00	800.00	680.00	728.00	578.00	4,122.00
No Of Vehicles	311	357	400	340	364	289	2,061
Missed Appts	4%	6%	4%	5%	7%	7%	5%
Hours Lost	24.00	42.00	32.00	34.00	54.00	42.00	228.00
No Of Vehicles	12	21	16	17	27	21	114
Total	100%	100%	100%	100%	100%	100%	100%
	646.00	756.00	832.00	714.00	782.00	620.00	4,350.00
	323	378	416	357	391	310	2,175

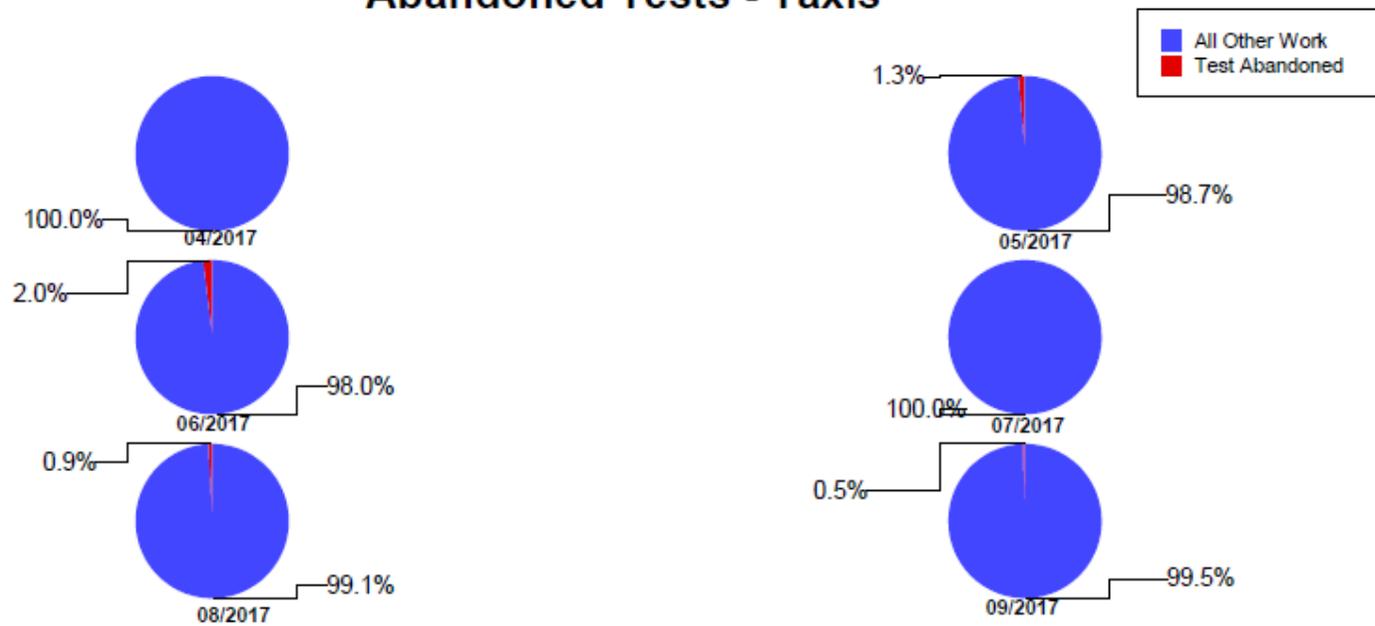
City of Edinburgh Council Abandoned Tests - All Vehicles



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work	99%	97%	98%	99%	99%	98%	99%
Hours on Vehicles	1,036	1,180	1,210	1,098	1,204	1,010	6,738
No Of Vehicles	518	590	605	549	602	505	3,369
Test Abandoned	1%	3%	2%	1%	1%	2%	1%
Hours Lost	6	32	26	8	10	18	100
No Of Vehicles	3	16	13	4	5	9	50
Total	100%	100%	100%	100%	100%	100%	100%
	1,042.00	1,212.00	1,236.00	1,106.00	1,214.00	1,028.00	6,838.00
	521	608	618	553	607	514	3,419

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

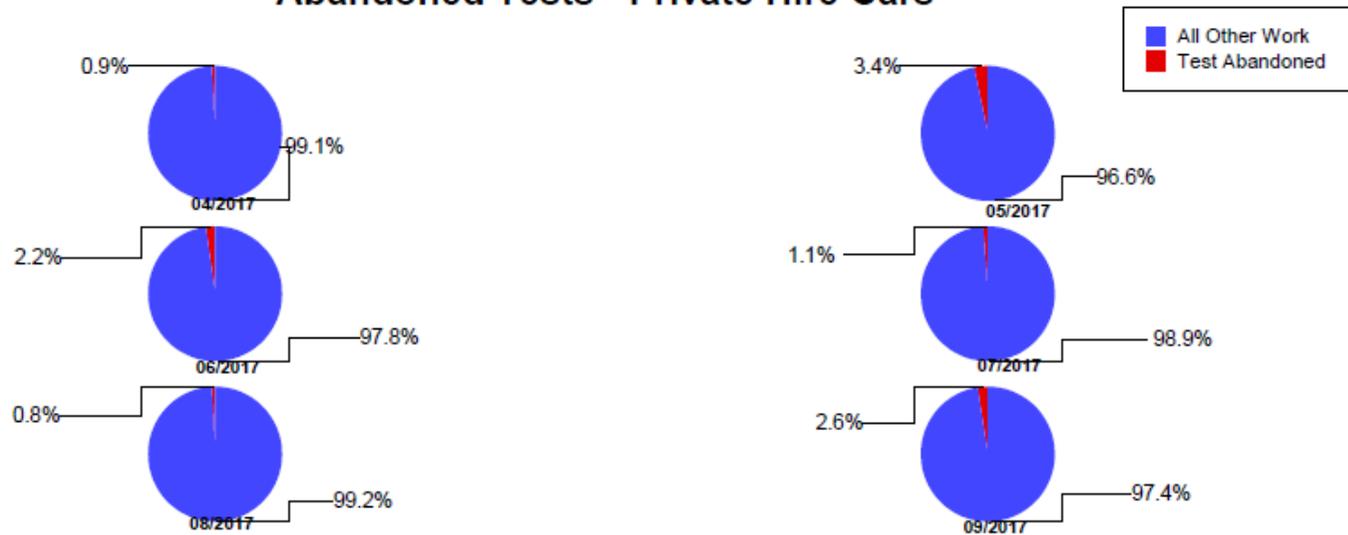
City of Edinburgh Council Abandoned Tests - Taxis



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work Hours on Vehicles	100% 396.00	99% 450.00	98% 396.00	100% 392.00	99% 428.00	100% 408.00	99% 2,468.00
Test Abandoned Hours Lost	0% 0.00	1% 6.00	2% 8.00	0% 0.00	1% 4.00	0% 2.00	1% 20.00
Total	100% 396.00	100% 456.00	100% 404.00	100% 392.00	100% 432.00	100% 408.00	100% 2,488.00

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

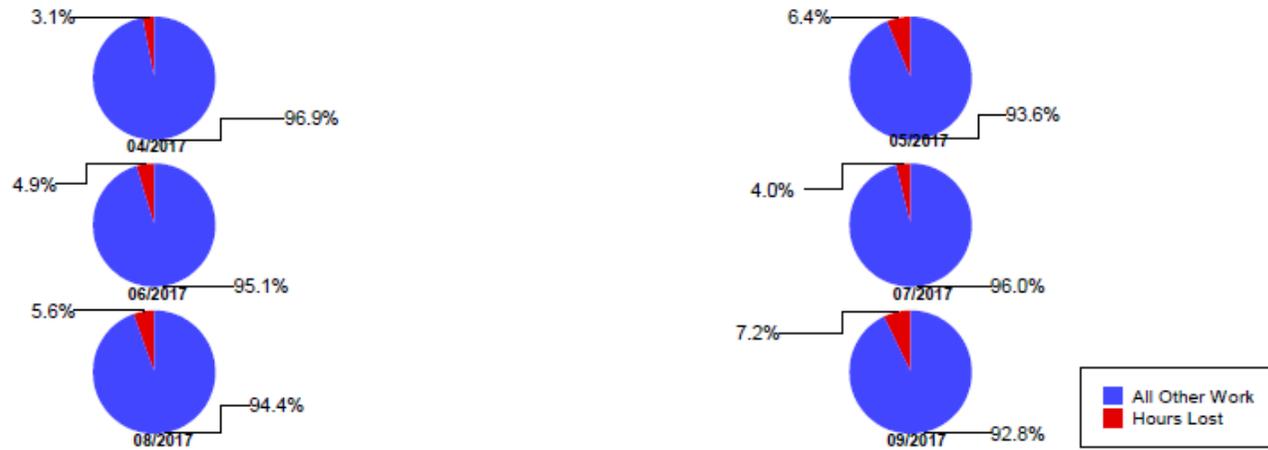
City of Edinburgh Council Abandoned Tests - Private Hire Cars



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work	99%	97%	98%	99%	99%	97%	98%
Hours on Vehicles	648.00	730.00	814.00	708.00	776.00	604.00	4,270.00
No Of Vehicles	320	365	407	353	388	302	2,135
Test Abandoned	1%	3%	2%	1%	1%	3%	2%
Hours Lost	6.00	26.00	18.00	8.00	6.00	16.00	80.00
No Of Vehicles	3	13	9	4	3	8	40
Total	100%	100%	100%	100%	100%	100%	100%
	648.00	736.00	832.00	714.00	782.00	620.00	4,350.00
	323	378	416	357	391	310	2,175

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

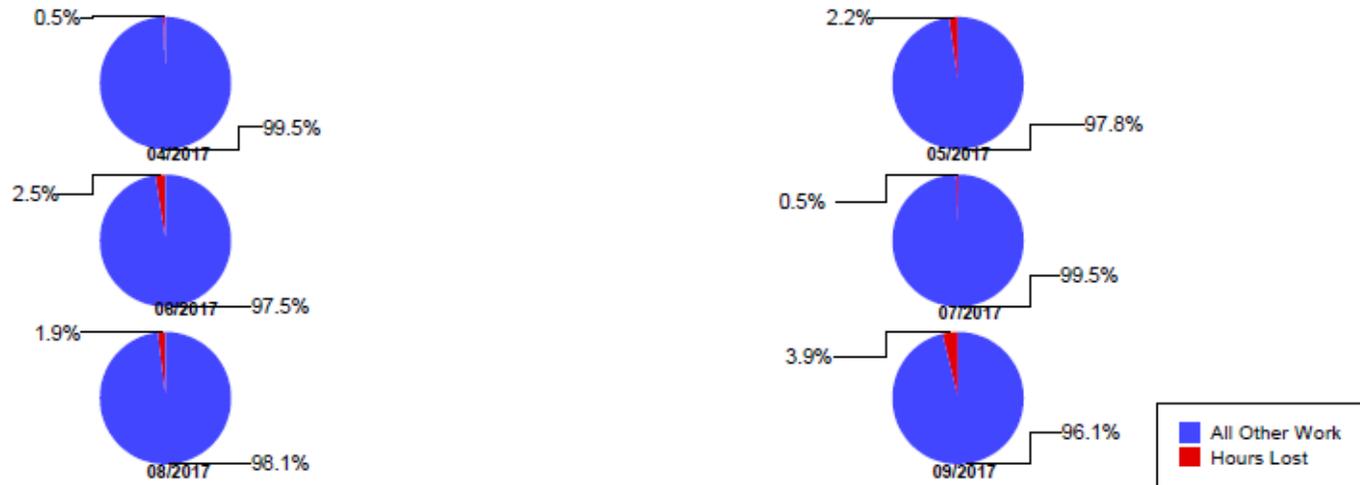
City of Edinburgh Council Total Examiner Hours Lost - All Vehicles



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work	97%	94%	95%	96%	94%	93%	95%
Hours on Vehicles	1,010.00	1,134.00	1,176.00	1,062.00	1,146.00	954.00	6,482.00
No Of Vehicles	505	567	588	531	573	477	3,241
Hours Lost	3%	6%	5%	4%	6%	7%	5%
	32.00	78.00	60.00	44.00	68.00	74.00	356.00
No Of Vehicles	16	39	30	22	34	37	178
Total	100%	100%	100%	100%	100%	100%	100%
	1,042.00	1,212.00	1,236.00	1,106.00	1,214.00	1,028.00	6,838.00
	521	606	618	553	607	514	3,419

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests . As a guide each Examiner currently works 36 hours per week.

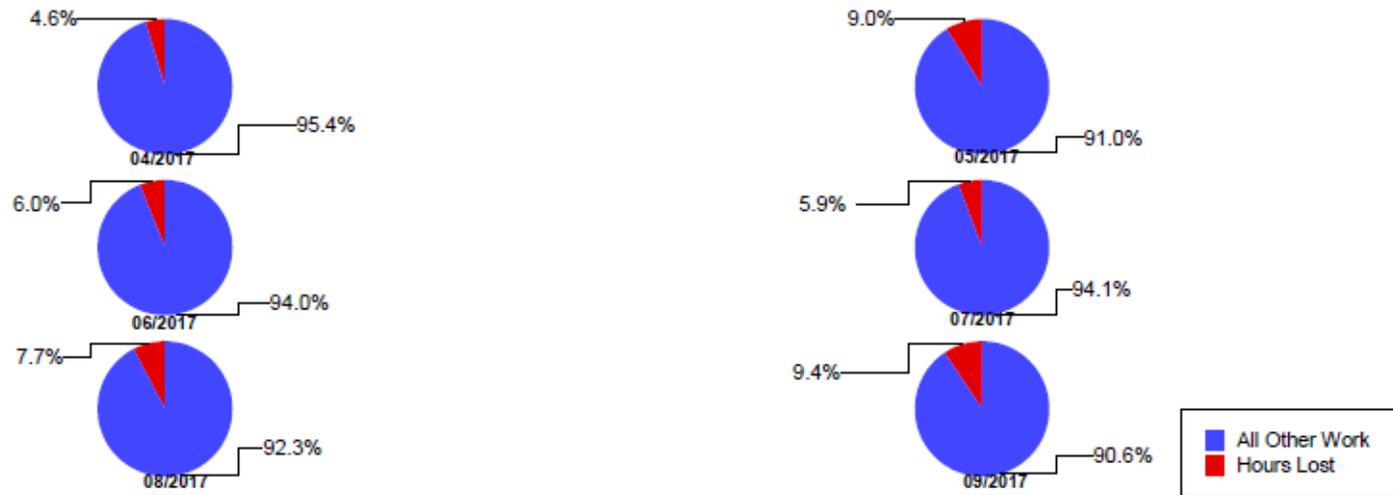
City of Edinburgh Council Examiner Hours Lost - Taxi



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work	99%	98%	98%	99%	98%	96%	98%
Hours on Vehicles	394.00	446.00	394.00	390.00	424.00	392.00	2,440.00
No Of Vehicles	197	223	197	195	212	198	1,220
Hours Lost	1%	2%	2%	1%	2%	4%	2%
	2.00	10.00	10.00	2.00	8.00	16.00	48.00
No Of Vehicles	1	5	5	1	4	8	24
Total	100%	100%	100%	100%	100%	100%	100%
	396.00	456.00	404.00	392.00	432.00	408.00	2,488.00
	198	228	202	196	216	204	1,244

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests . As a guide each Examiner currently works 36 hours per week.

City of Edinburgh Council Examiner Hours Lost - Private Hire Cars



	04/2017	05/2017	06/2017	07/2017	08/2017	09/2017	Total
All Other Work	95%	91%	94%	94%	92%	91%	93%
Hours on Vehicles	616.00	688.00	782.00	672.00	722.00	562.00	4,042.00
No Of Vehicles	308	344	391	336	361	281	2,021
Hours Lost	5%	9%	6%	6%	8%	9%	7%
No Of Vehicles	30.00	68.00	50.00	42.00	60.00	58.00	308.00
No Of Vehicles	15	34	25	21	30	29	154
Total	100%	100%	100%	100%	100%	100%	100%
	646.00	756.00	832.00	714.00	782.00	620.00	4,350.00
	323	378	416	357	391	310	2,175

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests . As a guide each Examiner currently works 36 hours per week.

Regulatory Committee

1:15pm, Monday, 8 January 2018

Policy and Code of Conduct on Public Processions Update

Item number	6.2
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	

Executive Summary

The number of parades and processions taking place in Edinburgh has increased significantly. The Regulatory Committee adopted revised standard conditions in 2015 and at that time it was agreed that the Committee would issue after consultation a detailed Policy and Code of Conduct for parades and processions.

This report provides the Committee with an updated on the consultation that ran from 20 February until 31 March 2017. Further submissions were made during summer 2017.

Policy and Code of Conduct on Public Processions Update

Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 notes the content of this report;
 - 1.1.2 agrees to adopt the proposed Policy and Code of Conduct on Public Processions with amendments listed in paragraph 3.12.1 to 3.12.4; and
 - 1.1.3 agrees that the use of the High Street for a parade or procession requires additional scrutiny and will continue to be referred for consideration to the Licensing Sub Committee.

Background

- 2.1 Under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the appropriate local authority and the police at least 28 days prior to the date of the event.
- 2.2 It is important to note that council permission is not required to hold a parade. Upon receipt of a notification the Council has limited powers in respect of parades and processions. It can choose to take no action; it has the power to attach conditions or, under very limited circumstances, to ban the parade or procession. If the Council takes no action the parade will proceed as the organiser intended.
- 2.3 Part V of the Civic Government (Scotland) Act 1982 Section 63(8) sets out the relevant considerations which the Council must take into account when considering a notification received from a procession organiser, and whether it is necessary to prohibit a march or impose conditions. These conditions relate to the following:
 - public safety;
 - public order;
 - damage to property; and
 - disruption to the life of the community.
- 2.4 When considering procession notifications, the Council should have regard to the impact of the procession in relation to each of these four considerations, as

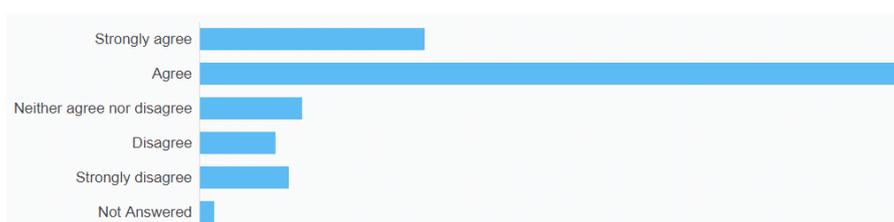
- set out in the legislation. The Council must also take into account the effect of previous similar processions and the conduct of participants during these.
- 2.5 The number of parades and processions in the city is significant, reflecting its status as a capital city. Whilst there are many positive aspects to these parades, they also pose a number of challenges to the city.
- 2.6 Challenges include:
- disruption to the public transport network and traffic flow in city centre;
 - disruption to retail, leisure, business and tourism;
 - dates and timing of parades sometimes clash with other planned events;
 - management arrangements and other council costs;
 - ensuring appropriate policing; and
 - Late notification of parades.
- 2.7 The vast majority of parades and processions pass without difficulty. However, there have been occasions when the behaviour of participants, followers or protestors has caused complaints and offence to other members of the community. Examples of this type of behaviour include overtly controversial political or religious affiliation or actions, which have disrupted access to buildings or other events.
- 2.8 One of the greatest challenges for the Council is the number of organisers either giving late notice or no notice of the intention to parade. The majority of these events relate to a change in global politics, or concerns that cannot be predicted and quickly garner support.
- 2.9 Between 1 January and 30 November 2017 there have been approximately 117 parade notifications that provided relevant notice, 102 organisers of a parade or procession voluntarily agreed to standard conditions being attached and a further two had additional conditions attached. During this period no prohibition notices were issued.
- 2.10 At the Regulatory Committee meeting on 1 February 2016, responding to comments raised and following legal advice, the Committee agreed to amend Standard March Condition 15 to remove the phrase “whether or not services are in progress”; agreed to adopt a Policy, Code of Conduct and new Parades notification form in principle; and to carry out a consultation in line with statutory requirements on the proposed changes.
- 2.11 The proposed Policy, Code of Conduct and new Parades notification form mirrors existing practice and procedures in a number of places and is designed to build and consolidate on this.

Consultation responses

- 3.1 The consultation aimed to achieve a greater understanding of the effects of the existing practice and procedures on different user groups, allowing an informed decision on suitable changes to be made. The consultation (appendix 1) ran from 20 February to 31 March 2017. Some replies were received later and are included.
- 3.2 There were a total of 177 responses submitted to the Council Consultation Hub survey. A further seven written responses were also received. The results of the consultation are fully set out in appendices 2 – 4. A summary of key issues follows.

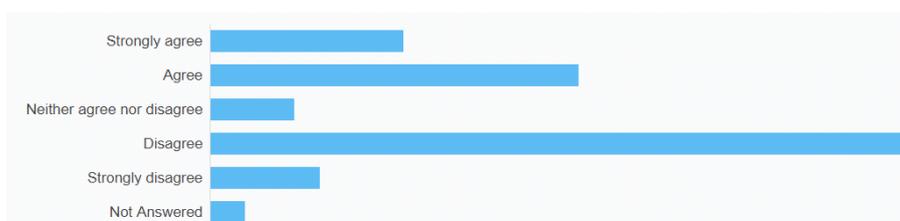
Should the council provide event organisers with a policy code of conduct?

- 3.3 More than half of the respondents who answered the question (77% either agreeing or strongly agreeing) supported the proposal.



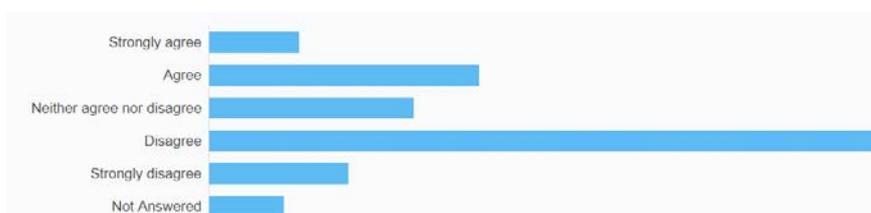
The Policy and code of conduct are based on three key principles. Do these provide the right foundation for the development of the policy and code of conduct?

- 3.4 There was a mixed response to this question with just over half the respondents (54%) either disagreeing or strongly disagreeing with the statement



The provisions of the policy and code of conduct are clear and easy to understand.

- 3.5 There was a mixed response to this question with just over half of the respondents (56%) either disagreeing or strongly disagreeing with the statement.



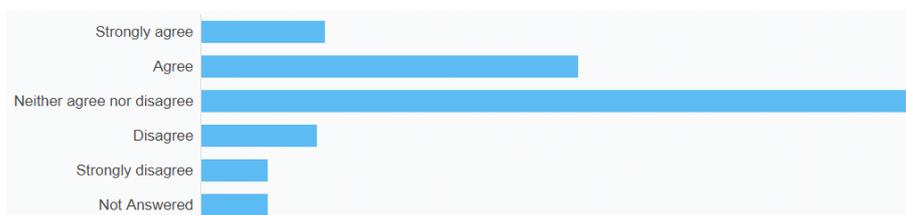
Should special consideration be given to the future use of High Street for processions?

3.6 There was a strong view expressed (76%) that there should be no special consideration given to the use of the High Street.



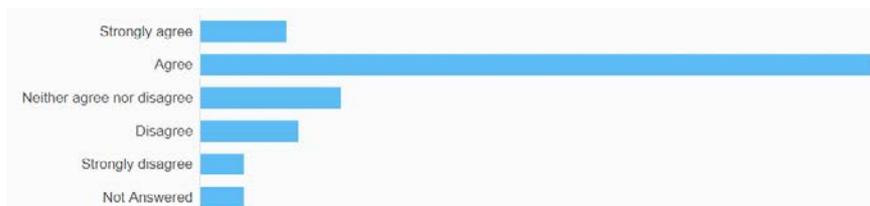
The policy and code of conduct clearly outline the expected responsibilities of the procession organiser.

3.7 The majority of the respondents (83% either agreeing, strongly agreeing or having no strong view) who replied to this question agreed that the policy and code of conduct clearly outlines the expected responsibilities of the procession organiser



The policy and code of conduct clearly outline the expected responsibilities of the participants.

3.8 The majority of the respondents (70% either agreeing or strongly agreeing) who replied to this question agreed that the policy and code of conduct clearly outlines the expected responsibilities of the of the participants



Comments or suggestions about the proposed policy and code of conduct of processions.

3.9 Questions 7, 14, 15, 17, and 18 provided respondents with an opportunity to provide additional information and these are set out in appendix 3. In each of these questions a number of the comments made were shared or repeated by more than one respondent and this is reflected in the relevant appendix.

Summary of Comments

3.10 Comments made can be summarised as follows:

- 3.10.1 broadly supportive of the proposed policy and guidance document and recognise the need for a clear and transparent process;

- 3.10.2 highlights the difficulties with multi facet events that include both a procession and other entertainment and / or trading that have other licence requirements i.e. Beltane/Samhuinn Fire Festivals;
- 3.10.3 highlights the human rights framework, including freedom of speech and peaceful assembly under Articles 10 / 11 of the European Convention of Human rights;
- 3.10.4 identifies the difficulties required to comply with the notification period for traffic regulations; and
- 3.10.5 identifies that smaller community events may require additional support to comply with the guidance.

Written Responses

- 3.11 In addition to the online consultation detailed responses were received from Police Scotland, the Scottish Fire and Rescue Service, Council Officers, the Beltane Fire Festival, Scottish Lodges and other interested parties. These comments are detailed in appendix 4
- 3.12 It is proposed to include the changes requested by Police Scotland specifically these are:
 - 3.12.1 amend Section 3 to reflect that each march/procession will be considered by Police Scotland, including any intelligence that may have been received, conduct of participants of a similar parade and whether it is deemed there is a risk to public safety, public order, a risk of damage to property or disruption to the life of the community. Following consideration of these factors the Police may not have a presence at said procession;
 - 3.12.2 reference to Section 65 Civic Government Scotland Act 1982 regarding changes to the law in relation to processions to be amended to make specific reference to the offences under sec 65 CG(S) Act 1982 within the guidance;
 - 3.12.3 amend the section Information Needed - para 2.1 and (appendix C of the Proposed Policy and Code of Conduct on Public Process) to include a Proposed Traffic Management Plan, the staffing and management of TTRO's; and
 - 3.12.4 to note the comments the additional comments made by Police Scotland re stewarding and places of worship and the Scottish Fire and Rescue Service and Council Officers re TTRO's and traffic management.

Impact of the proposed Policy and Guidance Document

- 3.13 The development of the proposed policy and guidance document makes no significant changes to existing practice but rather aims to provide organisers with

a greater understanding of the Council's expectations by creating a consistent and transparent approach for future events.

- 3.14 The responses to the consultation should be considered against current trends, policy and practice. The Council has a tried and tested Events Planning Organisation Group, chaired by officers with representation from all emergency services. The group provides advice and assistance to all larger public parades and processions held within the city, and smaller events where assistance is deemed necessary. The majority of these events proceed following agreement with the event organisers, and only a small number have additional conditions other than the standard conditions have been attached to them. The Council has only banned one to two public processions in the last six to seven years. As reported to the Regulatory Committee on 1 February 2016, the vast majority of public parades and processions pass without difficulty.
- 3.15 A number of the written comments expressed in relation to the Edinburgh Lodges and Beltane/Samhuinn Fire Festivals do not accord with the Council's current or proposed future approach. The views expressed regarding legislative provisions are noted, but they are not consistent with the powers afforded to the Council.
- 3.16 In many cases, events like the Beltane/Samhuinn Fire Festivals fall under more than one legislative framework. Many of these events will also require a Public Entertainment Licence which is subject to its own consultation and planning process. In these circumstances, unforeseen difficulties can arise which can affect the public procession, and will often require further consultation and negotiation with stakeholders. The concerns of the Beltane Fire Festival are noted and Council officers will continue to engage with them in respect of their unique circumstances.
- 3.17 The majority of the difficulties arise from spontaneous unplanned or unauthorised events where little or no notice is given. The challenge for the council is to achieve a balance between the legitimate desire of people to protest, to celebrate their history and cultural traditions, or to raise awareness of issues that they regard as important, and the legitimate right of non-participants to go about their daily lives with minimal disruption and inconvenience.
- 3.18 The consultation has highlighted a number of challenges regarding explaining the different statutory duties of the council, the parameters and competing timescales or where a duty is imposed upon the organiser. Council officers will continue to look at the options available to the council to further improve the process where possible, specifically in relation to traffic regulations and the interaction with the Civic Government (Scotland) Act 1982.
- 3.19 A number of concerns about the complexity of the document were raised by community groups which organise smaller events within local communities throughout Edinburgh. Council officers will engage with organiser of local events to provide appropriate support and assistance where necessary. In addition,

work will be undertaken with colleagues in Media and Communications to ensure that the policy is communicated appropriately to all organisers of parades and processions

- 3.20 Officers will continue to work within statutory parameters to try to reduce the number of instances where organisers give either late notice or no notice of their intention to parade.

Measures of success

- 4.1 That the Council discharges its statutory duties and supports European Convention on Human Rights.
- 4.2 Parades and processions are managed in a way that minimises disruption to the community and protects the rights of those that choose to hold a parade or procession.

Financial impact

- 5.1 None arising directly from this report. Costs for managing parades and processions are met from the revenue budget within either the Neighbourhood, Roads or Public Safety teams.

Risk, policy, compliance and governance impact

- 6.1 There is a risk that any decision to prohibit or apply conditions to a parade or procession may be appealed to the Sheriff. Since 2012, the Council has 'prohibited' two marches, and of these one order was successfully appealed. There was one other successful legal challenge.
- 6.2 It is intended that the revised Policy and Code of Conduct will strengthen the Council's position in the event of a legal challenge.

Equalities impact

- 7.1 The proposals in this report demonstrate a high degree of relevance to the public sector equality duty to eliminate unlawful discrimination, harassment and victimisation, and to foster good relations. The proposals also demonstrate a high degree of relevance to Articles concerning freedom of assembly, conscience and religion, and freedom of expression as set out in the European Convention on Human Rights.
- 7.2 The Council continues to support organisers of parades and processions in particular by providing support through the Events Planning Organisation Group process and advice from other service teams.

Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

Consultation and engagement

- 9.1 Initial discussions with Police Scotland and interested service areas within the Council, including Legal Services helped shape the proposed Policy and Code of Conduct.
- 9.2 An online consultation exercise ran from 20 February until 31 March 2017. In addition a number of stakeholder meetings were held with statutory consultees.

Background reading/external references

- 10.1 Scottish Government guidance - [Review of parades and marches in Scotland \(2006\)](#)
- 10.2 [Regulatory Committee Report 1 February 2016 - Report on Policy and Code of Conduct on Public Processions](#)

Paul Lawrence

Executive Director of Place

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Appendices

- 11.1 Appendix 1 – Consultation on Proposed Policy and Code of Conduct for Public processions
- 11.2 Appendix 2 - Proposed Policy and Code of Conduct for Public Processions: Consultation Summary report
- 11.3 Appendix 3 - Proposed Policy and Code of Conduct for Public Processions: Consultation online comments

11.4 Appendix 4 - Proposed Policy and Code of Conduct for Public Processions:
Consultation written comments

11.5 Appendix 5 - Proposed Policy, Code of Conduct for Public Processions and
Notification Form

Appendix 1 – Consultation on Proposed Policy and Code of Conduct for Public Processions

Overview

Under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the appropriate local authority and the police at least 28 days prior to the date of the event.

When considering all procession notifications, the Council needs to consider the impact the procession may have on:

Public safety;

Public order;

Damage to property; and

Disruption to the life of the community.

Previous similar processions, and the conduct of participants during these, are also taken into consideration.

While the Council is not required to grant permission to hold a parade, it does have the power to attach conditions or, under very limited circumstances, ban a parade or procession.

The number of parades and processions in Edinburgh is significant, reflecting its capital status. Whilst there are many positive aspects to these parades they also present a number of challenges to the city, including disruption to public transport and traffic flow; disruption to retail, leisure, business and tourism activities; and consideration of appropriate management arrangements.

Why We Are Consulting

In recognition of the growing number of parades and processions, the Council has developed a detailed policy and code of conduct for parades and processions. The proposed policy and code of conduct aim to provide organisers with a greater understanding of the Council's expectations, and a clear and consistent approach for future event planning.

The Council would like to hear your views on the proposed policy and code of conduct.

About you

1. What is your name?
2. What is your email address?

This is optional, but if you enter your email address then you will be able to return to edit your consultation at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

3. What is your organisation?

1. Introduction

The proposed Policy and Code of Conduct on Public Processions aims to provide organisers with a clear statement of the Council's expectations when planning and managing parades and processions. It will create a consistency of approach and provide parade organisers with a basis on which they can build and plan their events.

Please read section 1 "Introduction" before answering the following questions.

4. To what extent do you agree or disagree that the Council should provide event organisers with a policy and code of conduct for public processions?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

5. The Policy and Code of Conduct on Processions is based on 3 key principles. To what extent do you agree or disagree that these principles provide the right foundation for the development of the policy and code of conduct?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

6. To what extent do you agree or disagree that the introduction of the policy and code of conduct is clear and easy to understand?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

7. Please use the space below for any other comments or suggestions relating to the introduction section of the policy and code of conduct.

2. Notification Process

Organisers of a procession must provide notification at least 28 days prior to the event. Section 2 of the Policy and Code of Conduct provides information on the notification process.

Please read section 2 "Notification Process" before answering the following questions.

8. To what extent do you agree or disagree with the following statements about the notification process?

The notification process is clear and easy to understand.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

This section of the policy and code of conduct provides all the information I need about the notification process.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

9. Please use the space below for any comments or suggestions about the notification process.

3. Provisions of the Policy and Code of Conduct

The Policy and Code of Conduct sets out:

The issues which the Council requires to consider when dealing with the notification of a procession; and

The conditions, requirements and restrictions (where appropriate) the Council and/or the police can impose upon procession organisers and participants of any procession.

This represents a general approach and each procession will be assessed on its own merits and according to circumstances.

In considering the notification of a procession and in determining whether to approve a procession or otherwise, the Council will take into account the provisions as set out in section 3 of the Policy and Code of Conduct.

Please read section 3 "Provisions of the Policy and Code of Conduct" before answering the following questions.

10. To what extent do you agree or disagree with the following statements in relation to the provisions of the policy and code of conduct?

The provisions of the policy and code of conduct are clear and easy to understand.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

- Strongly disagree

This section provides all the information I need about the provisions of the policy and code of conduct.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

11. Should special consideration be given to the future use of High Street for processions?

- Yes
- No

12. Should feeder and return processions be considered as separate notifications?

- Yes
- No

13. To what extent do you agree or disagree that the policy and code of conduct clearly outlines the expected responsibilities of the following people/groups?

The procession organiser

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Stewards or Marshals

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Participants

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

14. Please use the space below for any comments or suggestions about the provisions of the policy and code of conduct.

Appendix A: Ward 11 Map (for information)

The Policy and Code of Conduct on Processions makes reference to the "City Centre". This means the area of the city situated within the boundary of Ward 11. The map below is provided for information purposes only.

Appendix B: Standard Procession Conditions

On 17 November 2014, the Regulatory Committee adopted new Standard Procession Conditions. Following the adoption of these conditions the Council was subject to a legal challenge in respect of Condition 15:

"Any band or bands are taking part in a parade/procession shall cease playing when approaching and passing any place of worship, whether or not services are in progress, or any location where a recognised religious, cultural, or legal ceremony is taking place."

The legal challenge related to a request to delete the words "whether or not services are in progress" from the condition. Following legal advice, the Council proposes to amend the condition and remove the words.

The amended conditions can be viewed below.

15. Please use the space below for any comments or suggestions regarding the Standard Procession Conditions.

Appendix C: Marches, Parades and Processions in Edinburgh Notification Form

The Marches, Parades and Processions in Edinburgh Notification Form has been updated to reflect the content of the proposed Policy and Code of Conduct on Public Processions.

This will allow council officers to provide more focused response and assistance to procession organisers.

Please read 'Appendix C - Marches, Parades and Processions in Edinburgh Notification Form' before answering the following questions.

16. To what extent do you agree or disagree that the notification form is clear and easy to understand?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

17. Please use the space below for any comments or suggestions about the notification form.

Any other comments or suggestions

18. Please use the space below for any final comments or suggestions about the proposed Policy and Code of Conduct of Processions.

Appendix 2 - Proposed Policy and Code of Conduct for Public Processions: Consultation Summary report



Proposed Policy and Code of Conduct for Public Processions: Summary report

This report was created on Monday 03 April 2017 at 09:03.

The consultation ran from 20/02/2017 to 31/03/2017.

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Question 5: The Policy and Code of Conduct on Processions is based on 3 key principles. To what extent do you agree or disagree that these principles provide the right foundation for the development of the policy and code of conduct?	3
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To what extent do you agree or disagree with the following statements about the notification process? - The notification process is clear and easy to understand.	4
To what extent do you agree or disagree with the following statements about the notification process? - This section of the policy and code of conduct provides all the information I need about the notification process.	4
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Please enter your comments in the box below.	5
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To what extent do you agree or disagree with the following statements? - The provisions of the policy and code of conduct are clear and easy to understand.	5
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Please enter your comments in the box below.	8
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Please enter your comments in the box below.	8
Question 18: Please use the space below for any final comments or suggestions about the proposed Policy and Code of Conduct of Processions.	8
Please enter your comments in the box below.	8

Question 1: What is your name?

Name

There were 174 responses to this part of the question.

Question 2: What is your email address?

Email

There were 152 responses to this part of the question.

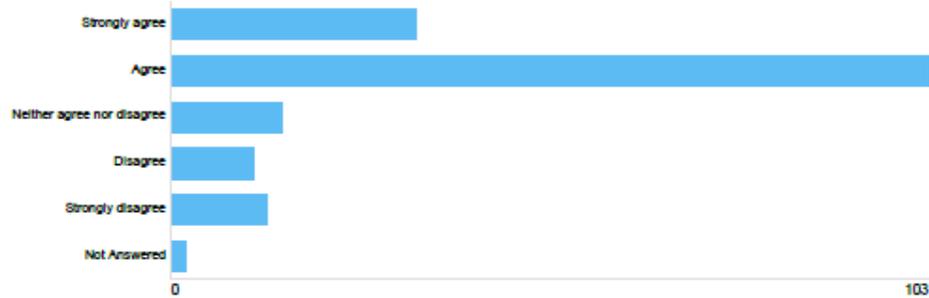
Question 3: What is your organisation?

Organisation

There were 141 responses to this part of the question.

Question 4: To what extent do you agree or disagree that the Council should provide event organisers with a policy and code of conduct for public processions?

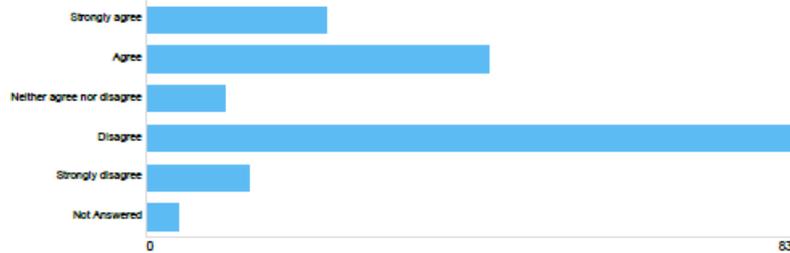
The Council should provide event organisers with a policy and code of conduct



Option	Total	Percent
Strongly agree	33	18.64%
Agree	103	58.19%
Neither agree nor disagree	15	8.47%
Disagree	11	6.21%
Strongly disagree	13	7.34%
Not Answered	2	1.13%

Question 5: The Policy and Code of Conduct on Processions is based on 3 key principles. To what extent do you agree or disagree that these principles provide the right foundation for the development of the policy and code of conduct?

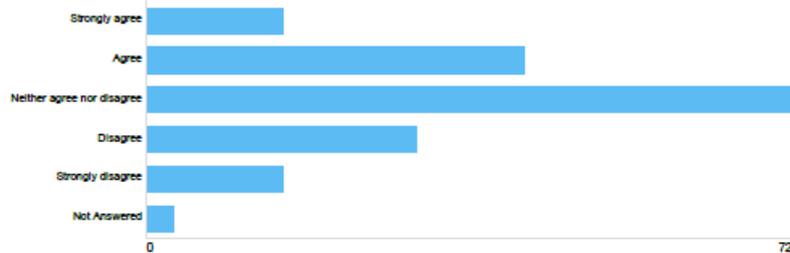
The key principles cover the right issues.



Option	Total	Percent
Strongly agree	23	12.99%
Agree	44	24.86%
Neither agree nor disagree	10	5.65%
Disagree	83	46.89%
Strongly disagree	13	7.34%
Not Answered	4	2.26%

Question 6: To what extent do you agree or disagree that the introduction of the policy and code of conduct is clear and easy to understand?

The introduction is clear and easy to understand



Option	Total	Percent
Strongly agree	15	8.47%
Agree	42	23.73%
Neither agree nor disagree	72	40.68%
Disagree	30	16.95%
Strongly disagree	15	8.47%
Not Answered	3	1.69%

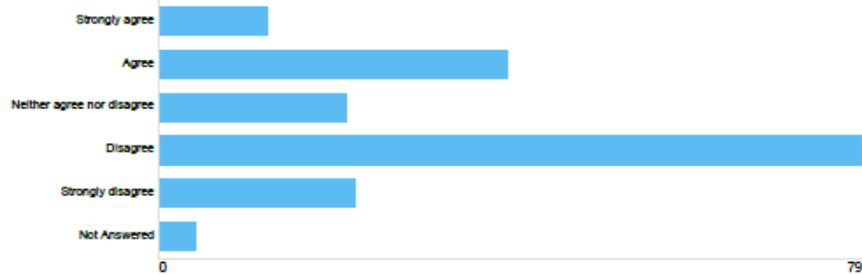
Question 7: Please use the space below for any other comments or suggestions relating to the introduction section of the policy and code of conduct.

Any other comments or suggestions relating to section 1

There were 135 responses to this part of the question.

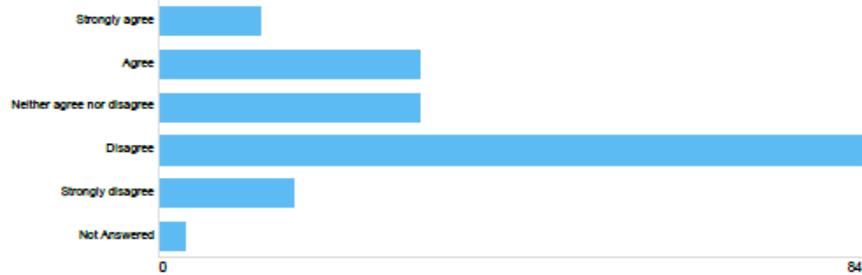
Question 8: To what extent do you agree or disagree with the following statements about the notification process?

To what extent do you agree or disagree with the following statements about the notification process? - The notification process is clear and easy to understand.



Option	Total	Percent
Strongly agree	12	6.78%
Agree	39	22.03%
Neither agree nor disagree	21	11.86%
Disagree	79	44.63%
Strongly disagree	22	12.43%
Not Answered	4	2.26%

To what extent do you agree or disagree with the following statements about the notification process? - This section of the policy and code of conduct provides all the information I need about the notification process.



Option	Total	Percent
Strongly agree	12	6.78%
Agree	31	17.51%
Neither agree nor disagree	31	17.51%
Disagree	84	47.46%
Strongly disagree	16	9.04%
Not Answered	3	1.69%

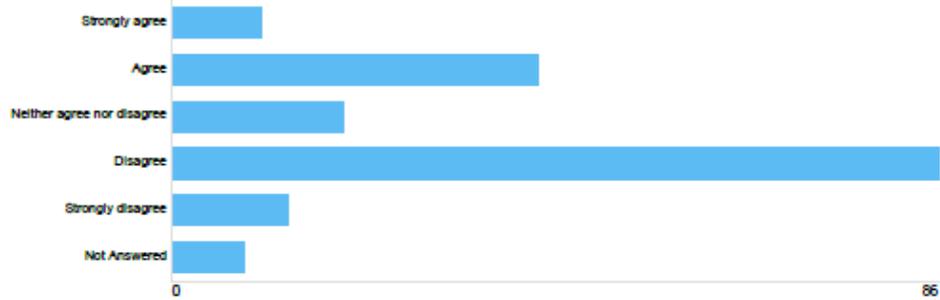
Question 9: Please use the space below for any comments or suggestions about the notification process.

Please enter your comments in the box below.

There were 137 responses to this part of the question.

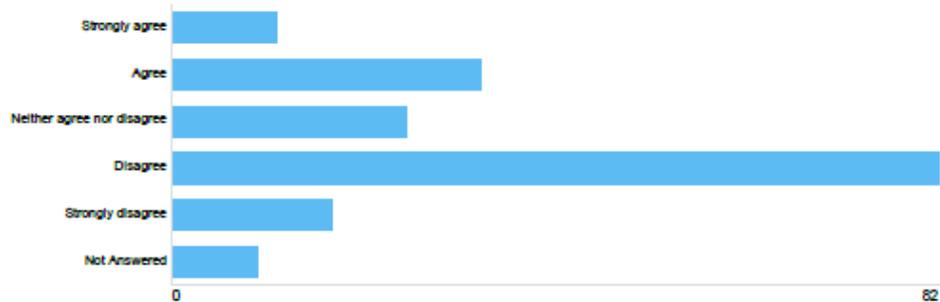
Question 10: To what extent do you agree or disagree with the following statements in relation to the provisions of the policy and code of conduct?

To what extent do you agree or disagree with the following statements? - The provisions of the policy and code of conduct are clear and easy to understand.



Option	Total	Percent
Strongly agree	10	5.65%
Agree	41	23.16%
Neither agree nor disagree	19	10.73%
Disagree	86	48.59%
Strongly disagree	13	7.34%
Not Answered	8	4.52%

To what extent do you agree or disagree with the following statements? - This section provides all the information I need about the provisions of the policy and code of conduct.



Option	Total	Percent
Strongly agree	11	6.21%
Agree	33	18.64%
Neither agree nor disagree	25	14.12%
Disagree	82	46.33%
Strongly disagree	17	9.60%
Not Answered	9	5.08%

Question 11: Should special consideration be given to the future use of High Street for processions?

Should special consideration be given to the future use of High Street for processions?



Option	Total	Percent
Yes	36	20.34%
No	134	75.71%
Not Answered	7	3.95%

Question 12: Should feeder and return processions be considered as separate notifications?

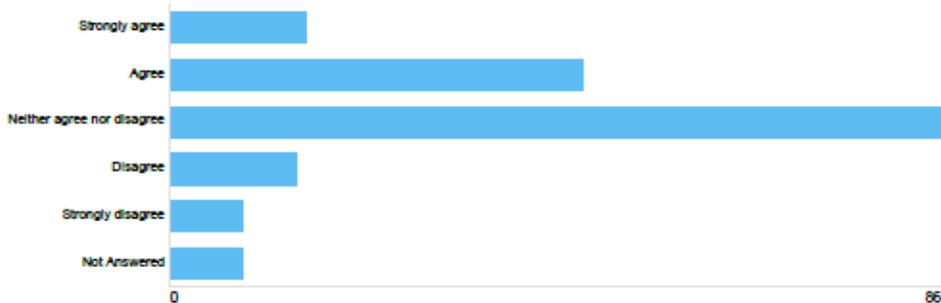
Should feeder and return processions be considered as separate notifications?



Option	Total	Percent
Yes	36	20.34%
No	134	75.71%
Not Answered	7	3.95%

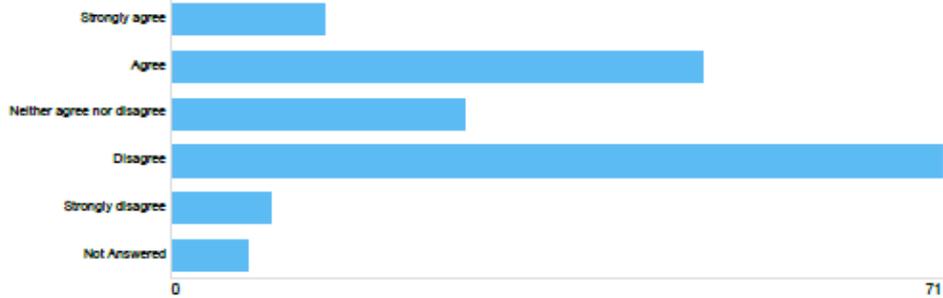
Question 13: To what extent do you agree or disagree that the policy and code of conduct clearly outlines the expected responsibilities of the following people/groups?

The policy and code of conduct clearly outlines the expected responsibilities of... - The procession organiser



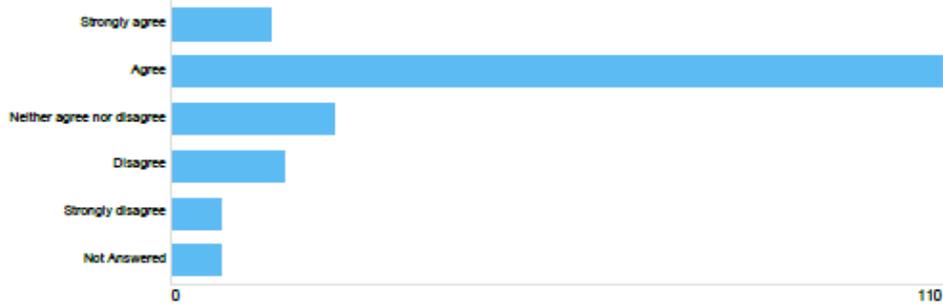
Option	Total	Percent
Strongly agree	15	8.47%
Agree	46	25.99%
Neither agree nor disagree	86	48.59%
Disagree	14	7.91%
Strongly disagree	8	4.52%
Not Answered	8	4.52%

The policy and code of conduct clearly outlines the expected responsibilities of... - Stewards or marshals



Option	Total	Percent
Strongly agree	14	7.91%
Agree	49	27.68%
Neither agree nor disagree	27	15.25%
Disagree	71	40.11%
Strongly disagree	9	5.08%
Not Answered	7	3.95%

The policy and code of conduct clearly outlines the expected responsibilities of... - Participants



Option	Total	Percent
Strongly agree	14	7.91%
Agree	110	62.15%
Neither agree nor disagree	23	12.99%
Disagree	16	9.04%
Strongly disagree	7	3.95%
Not Answered	7	3.95%

Question 14: Please use the space below for any comments or suggestions about the provisions of the policy and code of conduct.

Please enter your comments in the box below.

There were 143 responses to this part of the question.

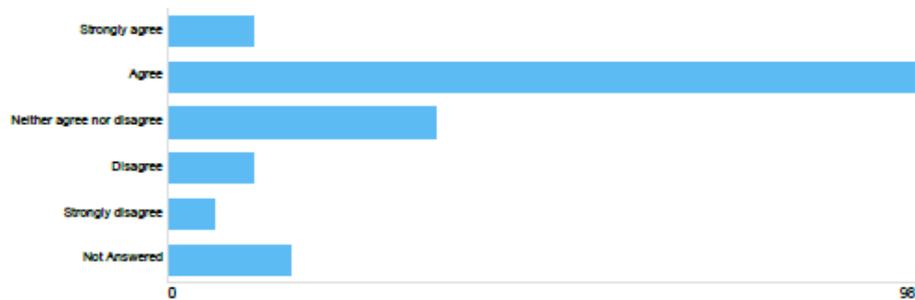
Question 15: Please use the space below for any comments or suggestions regarding the Standard Procession Conditions.

Please enter your comments in the box below.

There were 136 responses to this part of the question.

Question 16: To what extent do you agree or disagree that the notification form is clear and easy to understand?

The notification form is clear and easy to understand.



Option	Total	Percent
Strongly agree	11	6.21%
Agree	98	55.37%
Neither agree nor disagree	35	19.77%
Disagree	11	6.21%
Strongly disagree	6	3.39%
Not Answered	16	9.04%

Question 17: Please use the space below for any comments or suggestions about the notification form.

Please enter your comments in the box below.

There were 105 responses to this part of the question.

Question 18: Please use the space below for any final comments or suggestions about the proposed Policy and Code of Conduct of Processions.

Please enter your comments in the box below.

There were 134 responses to this part of the question.

**Appendix 3 - Proposed Policy and Code of Conduct for Public Processions:
Consultation online comments**

Question 7	
To what extent do you agree or disagree that the introduction of the policy and code of conduct is clear and easy to understand? - The introduction is clear and easy to understand	
	Please use the space below for any other comments or suggestions relating to the introduction section of the policy and code of conduct. - Any other comments or suggestions relating to section 1
1	There should only be one parade on a given day. It should avoid the city centre and the High Street. Organisers should pay the costs of processing the application, road closures, barriers etc and policing.
2	I understand that got to consider everyone when something is taken place. Induction is well laid out and understanding
3	A procession or parade to be organised and run with public safety in mind as well with thought to ensure smooth running and as little disturbance. I feel the council should not be introducing more layers/red tape for processions and parades.
4	"I do not agree with public processions or demonstrations. Some members of the public feel threatened as a result. As can some of those taking part in the procession should they come under attack by the public, should they not sympathize with the particular cause. With both circumstances above a police presence would be required. This is obviously pre- arranged and paid for with public money. Our services are already overstretched. So I feel to put extra burden upon them is not only irresponsible. It is also unnecessary. "
5	Who's to say that the UK will remain bound by the ECHR post Brexit?????????
6	Reference to the ECHR isn't required and muddles things. The principles stand on their own.
7	a good line will allow appropriate control
8	There is a trend to limit people's speech and actions that are seen as offensive or that may be 'unsafe' - a term that can mean almost anything. In this context the council should recognise the important right of people to march, parade or demonstrate without needing a green light from authorities.

9	<p>"The entire tone of this document casts parades etc as an inconvenience: some 'positives' are mentioned vaguely but then 8 specific 'challenges' are described at length. There then follows a claim that some have ""displayed an overtly controversial political or religious affiliation"" which has caused complaint and offence.</p> <p>This serves to immediately undermine CEC's claimed ""first principle"" on assembly and expression. It also removes legitimacy from ""controversial"" marches which cause offence and complaint. So long as marchers adhere to the law and to the conditions set on their parade then such 'offence' or 'complaint' is largely irrelevant to the Council's duties to uphold the right to assembly. "</p>
10	<p>I have no further comment, the policy and code of conduct is clearly communicated and laid out.</p>
11	<p>Shorten it to the basic essentials. Use plain English.</p>
12	<p>"The Edinburgh lodges have paraded through the city centre for the last 60 years at least. Routes have varied over the decades because of external factors [e.g. "tram works" on Leith Walk and subsequently on Princes Street].</p> <p>The legal and human rights background</p> <p>The lodges submit that the Executive Summary fails to give a proper outline of the human rights framework, including freedom of speech and peaceful assembly under Articles 10 and 11 of the European Convention on Human Rights. The failure to fully outline the Council's obligations under the Convention makes the whole document flawed; it gives stakeholders a wrong impression on the convention rights and some of the proposals fail to ask the correct questions, because the proposals are premised on a flawed understanding of the Council's obligations under the convention.</p> <p>The European Court of Human Rights has made it clear that there is a positive duty on an Authority (1) To take reasonable and appropriate measures to enable lawful assemblies and marches to proceed peacefully and even (2) to take adequate measures to prevent violent acts directed against the participants in an assembly or march, or at least limit their extent (see United Macedonian Organisation Linden and Ivanov v Bulgaria (2007) 44 EHRR4).</p> <p>This duty arises out of Article 11 which confers the right of peaceful assembly and association and provides that:</p> <p>"No restriction shall be placed on the exercise of these rights other than such as are described by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights</p>

and freedoms of others”.

No restriction may be placed on a march unless the Council can demonstrate that it is “necessary” for one of the reasons in Article 11.2. Convention case law makes it clear that “necessary” does not mean “useful” or “desirable” but implies a “pressing social need”, thus making it a strong word. This has been accepted in the Scottish Courts where a Sheriff has said, in a challenge to a ban on a march that “it is for the public authority to show that it is necessary to curtail the basic right before any such restriction will be upheld”. (Aberdeen Bon Accord Loyal Orange Lodge No 701 v Aberdeen City Council 2022 SLT (Sh Ct) 52).

In *Novartis Pharmaceuticals UK Ltd V Stop Huntingdon Animal Cruelty* [2010] HRLR 8, the English court said:

“As the wider authorities make clear, any restrictions on the rights of freedom of expression, and/or of freedom of assembly and association, must be: (i) convincingly established; (ii) justified by compelling reasons; (iii) subject to careful scrutiny; (iv) proportionate and no more than necessary.”

It should be noted that “No restrictions shall be placed” on the right to process, unless they are “necessary” for one of the reasons in Article 11.2. We contend, therefore, that if any conditions are to be imposed on any procession that it is only lawful to impose such conditions if the council can show that the conditions are necessary for one of the purposes in Article 11.2; that the need has been convincingly established and is justified by compelling reasons. If that cannot be demonstrated, then such conditions would be a breach of the direction that “No restrictions shall be placed on the exercise of those rights ...”.

Accordingly, the Civic Government (Scotland) Act 1982, as amended by the Police, Public Order & Criminal Justice (Scotland) Act 2006, has to be read and understood against that convention background.

For these reasons the Lodges are concerned that the consultation document gives a misleading impression to stakeholders; the “Proposals” are flawed; accordingly, the responses to the consultation are likely to be made on a false premise.

The Lodges submit that there is nothing in the consultation document that justifies any of the proposals as being “necessary” in terms of Article 11.2 to place any limitation on the Lodges’ rights under Article 11.1. The consultation document fails to demonstrate that any of the Proposals have been convincingly established or are justified by compelling reasons.

Having set out their submissions on legal background the Lodges wish to make clear that they remain willing to discuss each march proposal with the council to see if an amicable agreement can be reached for the conduct of the march. However, this response is directed to the principles which arise in the

proposals and which the Lodges consider to be flawed.

The factual background

The lodges are also concerned that some of the statistics regarding processions and some of the other information is either inaccurate or misleading: It is stated under “Executive Summary” that “the number of parades and processions taking place in Edinburgh has increased significantly”. No statistical data has been provided to corroborate this claim. It is certainly not true of parades conducted by the Lodges and poses the question – what is an acceptable number of processions? For example, in 2012 there were a total of 381 processions [of all kinds] conducted in Glasgow whereas there was a total of 66 in Edinburgh. Even allowing for the obvious difference in population, it is clear that there are far more marches per head of population in Glasgow than there are Edinburgh. Does this mean that attempts should be made to reduce the number of marches in Glasgow to something approaching the Edinburgh level? We would suggest that such a proposition would be preposterous and we do not agree that there has been a “significant” increase and, if there had been, that this is nothing to be concerned about, as it is merely an expression of the demonstration of civil liberty which is protected by the European Convention on Human Rights.

It is not known whether the alleged increase in the number of marches is linked to the proliferation of events held in the city centre following the election of Donald J Trump as President of the United States of America as many – perhaps all – of these marches could not have given the 28 days’ notice required by statute.

We note also that the “Regulatory Committee adopted the introduction of standard conditions in 2015” and would respectfully point out that the Lodges were not consulted about these new “standard conditions” and this lack of consultation probably contributed to two successful legal challenges which were mounted.

We further note the statement that there should be a “... recognition of the increase in the number of complaints about parades and processions ...” We do not agree that there has been any such an increase in the number of complaints and, again, note the lack of statistical data. There would also require to be some procedure to determine the validity of complaints, as our experience shows that a number of complaints in various local authority areas are motivated by an antipathy to the perceived thematic content of the parade.

We submit that the negative references in the Executive Summary to a “significant increase” in the number of processions and to an increase in complaints colours the whole consultation and puts the organisers of such events in an unfavourable light. It is alleged that parades have “displayed an overtly controversial political or religious affiliation.” Now Edinburgh Council has for some time categorised all parades of the Orange Order as

	<p>“controversial” and, as such these require to be referred to the Licensing Sub-Committee for determination and we would therefore presume that these strictures are intended to refer to processions organised by the Orange Order. We take issue with this description and dispute the allegation that our parades have caused complaint or offence. In any event, there is no right in terms of common; statute or ECHR law NOT to be offended so long as the organisers or participants are not guilty of any action which might contravene the law.</p> <p>We submit that the Loyal Orange Institution is a religious organisation within the meaning of the Human Rights (Scotland) Act 1998, Section 13 (1), which provides that “if a Court’s determination of any question arising under this Act might affect the exercise by a religious organisation (itself or its members collectively) of the Convention right to freedom of thought, conscience and religion, IT MUST HAVE PARTICULAR REGARD TO THE IMPORTANCE OF THAT RIGHT”. We submit further that City of Edinburgh Council is a court within the meaning of the same statute.</p> <p>It is further submitted that the allegation that the Lodges’ marches are “controversial” and cause “offence” is contrary to the Council’s convention duty which is to take reasonable and appropriate measures to enable lawful assemblies and processions to proceed peacefully. ”</p>
13	<p>I particularly commend the clear statement about the challenges which processions create in the city centre for the smooth and timely running of public transport, and for the efficient progress of other vehicular traffic. The delays caused to pedestrians, whether resident or visitors, can be significant, affecting business appointments and scheduled cultural events, especially during the period of the Edinburgh International Festival. This is especially troublesome when streets are closed or routes are diverted. Inability to reach theatres/concert venues etc on time for the performance creates very negative impressions of the city's organisation. I write this from experience of managing afternoon events in St Cecilia's Hall and witnessing the distress caused to audience members who have been battling with disruptions caused by processions.</p>
14	<p>"This entire document is extremely negative in its tone and gives the reader a misleading impression that parades are invariably disruptive, problematic, and sometimes attract ""instances of low levels of public disorder"". The Apprentice Boys of Derry (ABOD) has paraded the city of Edinburgh for over 30 years and is unaware of any problems, disruption or instances of public disorder at any of our events that could be attributed to ourselves. Indeed, march commanders routinely praise our controlling and stewarding of parades and acknowledge the good behaviour of march participants.</p> <p>The document also refers to ""occasions when participants, followers or protestors have displayed an overtly controversial political or religious affiliation, which has caused complaints and offence to others members of the</p>

community."

City of Edinburgh Council [CEC] has for several years considered ALL parades of the Apprentice Boys of Derry to be "controversial". Our events are routinely referred to the Licensing Sub-Committee [LSC] for consideration and we would therefore presume that these strictures are intended to refer to processions organised by the ABOD. Indeed, when asked at a meeting of the Council's Licensing Sub-Committee in 2016 - "Who decided this parade was controversial and insisted that our notification be referred to the LSC for its consideration? - its convener, Councillor Gavin C Barrie replied: "I did!" We take issue with this description and dispute the allegation that our parades have caused complaint or offence. In any event, there is no right in terms of common; statute or ECHR law not to be offended so long as the organiser or march participants are not guilty of any action that contravenes either the law or the agreed parading conditions.

In our view, parades of the Apprentice Boys of Derry ought to be re-categorised as non-controversial i.e. the position should revert to the status quo ante prevailing before Councillor Gavin Barrie assumed the convenership of the LSC.

Legal Context

Under Article 11 of the European Convention on Human Rights, CEC has a positive duty to "take reasonable and appropriate measures to enable lawful assemblies and processions to proceed peacefully" and must exercise discretion in a reasonable manner, act within its powers and be able to justify any condition or prohibition in relation to the specific circumstances of a procession.

The Apprentice Boys of Derry submits that CEC chose to completely disregard its convention duties when, in 2015, it adopted a standard condition that required bands to cease playing music while approaching and passing places of worship whether a service was in progress or not. We accept that the council has a duty to balance the rights of those who wish to parade with the rights of others, but the question CEC has consistently failed to answer is - If no service was in progress and the building was lying empty as the parade passed, whose rights was the council trying to protect?

Moreover, the ABOD was not consulted about this new standard condition, and this lack of consultation contributed to two successful legal challenges mounted by our branch clubs in Edinburgh. The clubs were litigants against CEC in two separate legal actions concerning public processions held in the city on Saturdays 16th and 23rd May 2015. Both branch clubs made written submissions in advance of the hearings and made an oral submission on the day of each hearing. However, our representative was prevented from making a full submission on the day of the first hearing by the LSC convener, Councillor Gavin Barrie, on the ground that Sub-Committee did not want to

	<p>hear an exposition on the law. The LSC then imposed restrictions on the holding of our parades and it is our view that because of the completely unreasonable actions of City of Edinburgh Council our branch clubs were obliged to embark on expensive legal proceedings to secure the democratic right of freedom of peaceful public assembly.</p> <p>CEC's case was so weak that, when it engaged a reputable firm of (external) solicitors to defend its case, their advice to the Council was to settle out of court which it promptly did, agreeing to meet our branch clubs' judicial expenses. It is important to note that the settlement was exactly what we had asked the LSC to agree in the first place.</p> <p>It was the LSC's decision to impose wholly unreasonable and unlawful restrictions on our parades which led to the raising of these court actions and it is, in our view, disgraceful that a group of citizens should be obliged to spend several thousand pounds of their own money to secure democratic rights which are supposed to be guaranteed by the European Convention on Human Rights and Fundamental Freedoms. We submit that it is equally disgraceful that CEC was prepared to squander many thousands of pounds of Council Taxpayers' money in its attempt to deny us those rights.</p> <p>Had CEC entered into a genuine consultation process in 2014 it is likely that the court actions would not have been necessary in the first place, and we express the hope that the instant exercise is indeed a GENUINE consultation.</p>
15	<p>"During a protest it can be very difficult to identify the organiser and many of the events that happen during protests, such as new protestors coming to make their voice heard, and bringing drums or erecting banners, is far to much of a burden upon the original organisers of said protest.</p> <p>Also the statement on the potential infringement of others rights is far far to vague and can be skewed or twisted to allow only things which the council or police deem to be allowed, whilst banning others whom they disagree with despite them following the same rules."</p> <ul style="list-style-type: none"> • The proposed policy does not recognise the full range of variety that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, yet the proposed policy does not explicitly account for this. • Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact. • "Council can in limited circumstances exempt certain processions from requirements to give notice timeously": this statement does not give detail on what these circumstances are, and also if this exemption would apply to the 12 week requirement for road closures (given that almost all processions will involve road closures).

	<ul style="list-style-type: none"> Principles (1.3): The proposed code of conduct and policy does not demonstrate how the first proposed principle - 'rights to peaceful assembly and freedom of expression'- are to be safeguarded, prioritised and woven into the new policy. The ways and points where consideration of this right will be manifested should be explicitly set out. Given the fact that the vast majority of city centre events "pass without difficulty", this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset."
16	Fully onboard with a clear code of conduct - it allows organisers to know where they stand and work within a framework
17	<p>"The proposed policy does not recognise the full range of variety that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, yet the proposed policy does not explicitly account for this.</p> <p>Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact."</p>
18	Beltane Fire Festival - the event held in October (Beltane) would be severely curtailed if these new rules were put into effect. It is a fantastic spectacle, a favourite with tourists and locals. Don't understand the council's restrictions on live street music when it is part of a procession like this. It is organised and causes no trouble as far as I'm aware. On a wider note, the restrictions you place on live music in Edinburgh are slowly but surely strangling the music scene here, but of course you relax your restrictions during the Festival, giving out a totally false impression of the city. Just look at the tour itinerary of any band nowadays-does Edinburgh feature anywhere?
19	Rhetoric is discouraging
20	<p>"Any new code which will exclude low-budget community events is to be avoided. Any code which only those with money and lawyers is to be avoided. Edinburgh's cultural life is already skewed and twisted by the Festival & Fringe - you need more original, community-sourced events throughout the year to be supported, not given arbitrary hurdles.</p> <p>The proposal does not explain several issues, such as Principle 1.3. This whole proposal should take it as a given that past and current processions have run rather well; rather than erecting bureaucratic walls which only</p>

	administration staff might understand. "
21	I feel strongly that the policy is prejudicial and ill-founded, prioritising corporate interests over the right of the people of Edinburgh to free assembly. Although I don't go so far as to accuse the council of fascist leanings, I can easily see how this legislation could be used to quash public protest and serve as a means of civic oppression.
22	<p>"The document builds on a premise that the residents and businesses within the boundary form a natural base into which processions may bring disruption. However day-to-day activities by residents and business may themselves cause disruption to workers, visitors, people who live outside the boundary, the environment. Therefore these principles should include a clear statement that the wider community has the right to use and express itself in the city centre. This is especially so in the centre of a city that houses several important centres of government and state.</p> <p>The aims of this document include that this policy should be 'implemented fairly'. This must ensure that community organisations and expressions of views/culture must be supported and given consideration, as they will not have the same ability (as larger organisations) to plan in advance, pay relevant fees, and navigate bureaucracy. Without additional consideration for smaller community organisations, the proposed policy could be considered inherently unfair."</p> <p>Given the fact that the vast majority of city centre events "pass without difficulty", this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset.</p>
23	Negotiations should be made based on each event/procession being planned, with community input as to what the key principles mean to both the organisers and the community that it may effect. E.g. Procession for Samhuinn and involvement of residents that may be affected along its route
24	Rhetoric is discouraging
25	<p>"Any new code which will exclude low-budget community events is to be avoided. Any code which only those with money and lawyers is to be avoided. Edinburgh's cultural life is already skewed and twisted by the Festival & Fringe - you need more original, community-sourced events throughout the year to be supported, not given arbitrary hurdles.</p> <p>The proposal does not explain several issues, such as Principle 1.3. This whole proposal should take it as a given that past and current processions have run rather well; rather than erecting beaurocratic walls which only</p>

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28	<p>"This is likely to result in more bureaucracy and difficulty in organising events which will disproportionately affect smaller groups rather than larger, corporate groups. The council should serve and facilitate residents and local groups that give back to the community and play an important role in Edinburgh's culture rather. We don't need more soulless, overpriced Christmas markets. We need more events that bring local people together.</p> <p>Additionally this proposal could easily be misused to restrict local communities' right to protest which is of serious concern to me."</p>
29	"it doesn't specify what types of disruption are acceptable / not acceptable, whilst also considering the repeated cultural events - otherwise one new tenant in a flat could shut down the free Fringe events on the Royal Mile or Beltane / Samuein Pagen festivals, or Hogmanay events
30	I fail to see how the first principle "rights to peaceful assembly and freedom of

	expression" can be guaranteed within this code of conduct.
31	I suggest a 10pm ban for music during a procession. I also believe they should be allowed in the city centre and the four person wide ruling be scrapped.
32	"This is likely to result in more bureaucracy and difficulty in organising events which will disproportionately affect smaller groups rather than larger, corporate groups. The council should serve and facilitate residents and local groups that give back to the community and play an important role in Edinburgh's culture rather. We don't need more soulless, overpriced Christmas markets. We need more events that bring local people together. Additionally this proposal could easily be misused to restrict local communities' right to protest which is of serious concern to me."
33	"it doesn't specify what types of disruption are acceptable / not acceptable, whilst also considering the repeated cultural events - otherwise one new tenant in a flat could shut down the free Fringe events on the Royal Mile or Beltane / Samuein Pagen festivals, or Hogmanay events
34	"-There should be a clear statement that protects the citizens's right to express themselves in the city centre. It should be made clear that said right remains untouched. -It should be kept fair. So smaller organisations must be able to have their proc"
35	"This document does not look at the risks versus the benefits to the community. I would like to see the value both cultural and economic to the City of Edinburgh. People come from all over the world to take part in our parades. Small groups cannot organise events if they have to jump through millions of hoops or incur extra costs so any increase in the process means the process become inherently unfair towards big business and away from small groups There is no differentiation between types of procession, protest march, or other type of event. Given the fact that the vast majority of city centre events "pass without difficulty", this proposed policy seems more about the creation of increased revenue than it does about safety.
36	The policy needs to keep in mind that processions can be acts of culture, community and resilience. The community needs this kind of event to thrive.
37	This code of practice impacts on my religious rights to celebrate my religion without bias or prejudice.

38	<p>"I agree that these key principles should be the foundation for a policy like this, but the introduction given does not follow naturally from these principles. In particular: there is little information on the rights of city residents to organise a procession as per the first key principle; the introduction is mostly preoccupied with the negative side of the balance and does not say what positive aspects of the procession will be considered in balancing the judgement (second key principle); and ""disruption"" seems to be interpreted very broadly (third key principle).</p> <p>While the introduction is written in clear language, there are some points that could be addressed other than by a change in this policy:</p> <ul style="list-style-type: none"> * Roadworks are mainly a problem because of the ad-hoc manner in which they seem to be carried out; * the impact of processions on tourism should be mostly positive (not just a challenge - we have more than enough hotel space!); * public transport would be much less disrupted if more bus routes avoided the congested city centre. <p>The introduction refers to fairness; it would be better if it were more explicitly fair to small organisations, charities, protest groups, etc. who do not have the resources of a larger organisation.</p> <p>""Limited circumstances"" should be clarified. It is hard to consider if this is a good idea without knowing the limits. 12 weeks for road closures would seem to be one limit affecting nearly all processions (and a preventative one in the case of an urgent protest march)."</p>
39	<p>It seems the motivation is a number of complaints about processions that take place. I hope that in response to these proposals you see a large number of voices for the other side of his argument. In a talk of balance I think we are already in a good one, the measures proposed here would bring a large amount of life and freedom away from the community. I have lived and worked here (city centre) for years and never once felt put out by disruptions by events which I see as part of the experience and point of Edinburgh.</p>
40	<p>The principles sound good and you will expect everyone to sign up to them because they actually don't really say anything. You are acting like people who organise processions or events don't take care of each other or understand the obvious. These 'principles' can be interpreted to stop virtually any procession/any public assembly Trust people to do the right thing. Of course accidents happen and of course, there are people who will disrupt or use an event to carry out some heinous act but our freedom to meet and take to the streets IS an absolute right and we really don't need bureaucrats telling us when we can and when we can't. Once an act of violence or aggression takes place then is the time to think about curtailing the freedom of the</p>

	perpetrators. But these acts are rare and the root causes of them are nothing to do with not having enough rules in place. In fact often the causes are the exact opposite.
41	I believe that the right to assembly and freedom of expression must take precedence over the inconvenience of residents and shop owners who gain considerable benefits from their location. And who also now what they are getting into when they move into the area.
42	<p>"Given the fact that the vast majority of city centre events "pass without difficulty", this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be made clear from the outset.</p> <p>The aims of this document include that this policy should be 'implemented fairly'. This must ensure that community organisations and expressions of views/culture must be supported and given consideration, as they will not have the same ability (as larger organisations) to plan in advance, pay relevant fees, and navigate bureaucracy. Without additional consideration for smaller community organisations, the proposed policy could be considered inherently unfair.</p>
43	Damion fire festival should not have these restrictions it is a great attraction in the city center
44	<p>"The last clause is problematic.</p> <p>""The exercise of these rights brings specific responsibilities, both to procession organisers and participants, especially in relation to those residents and businesses who may suffer from disruption directly or indirectly caused by a particular procession.""</p> <p>Part of the cost - and pleasure! - of living in a city is putting up with processions and other events. It would be utterly wrong to prioritise short term nuisance to residents and businesses over the long time cultural life of our city.</p> <p>In particular grass roots events like Samhuinn and Beltane help combat loneliness and social exclusion in the 20-30 age range, and foster social connections across the city."</p>
45	I think there needs to be a clause in your policy that exempts processions taking place after the usual close of business hours - i.e. after 5pm. This way there is no infringement on the right of certain processions, such as Hogmanay, Samhuinn, and other holiday/festival related processions and parades.

46	<p>Given the fact that the vast majority of city centre events “pass without difficulty”, this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset.</p> <p>Free, community-organised events like Samhuinn Fire Festival are fundamental to the health and culture of a city."</p>
47	<p>The city draws in tourism with these processions. If the council was able to monetise this a bit better (Ie with a tourist tax) this could pay for the extra policing and costs incurred by the council.</p> <p>Increased costs to the Council at a time when pressures on overall public expenditure are increasingly acute</p>
48	<p>Please be more direct in your points as well as simple straight forward jargon</p>
49	<p>The Key aims of the code of conduct are sufficiently meet by existing rules.</p>
50	<p>The restriction of freedom in expression is idiocy</p>
51	<p>"Culture and heritage is extremely important to all people of Scotland and these new rules would force the festival, celebrated for years, to be moved, changed or simply destroyed.</p> <p>I defiantly oppose these changes, as they would risk the deletion of a huge aspect of our ancient culture; one that is already fairly suppressed and understated."</p>
52	<p>"I think that city centre residents and businesses need to acknowledge that the benefit of their location needs to be balanced with the fact that Edinburgh is Scotland's capital city and home to our parliament - it will therefore always be the focus for public events and demonstrations of national and local importance.</p> <p>Often these events will have a long-standing or traditional nature which pre-dates an individual or company occupancy of such premises, so why give the occupants opinions more weight simply because they have chosen to live or work there?</p> <p>The cultural life of a city is dependent on it's centre being accessible to the public to express its human rights, and this will be easily understood by residents and businesses. "</p> <p>The proposed policy does not recognise the full range of variety that can fall within the term ‘procession’, and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, yet the proposed policy does not explicitly</p>

	account for this. Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact.
53	I think the existing rules and regulations are fine. These new regulations go too far and will affect many other events aside from protests.
54	The Key aims of the code of conduct are sufficiently meet by existing rules.
55	The restriction of freedom in expression is idiocy
56	<p>The principles should include a clear statement regarding the right the community has to use and express itself in the heart of the city - in spaces that are critical to the local culture and community, so that this is prioritised when deciding whether to approve procession applications. The proposed approach does not highlight the benefits that processions can bring or safeguard consideration of them, and it is critical that this is included.</p> <p>The aims of this document include that this policy should be ‘implemented fairly’. This must ensure that community organisations and expressions of views/culture must be supported and given consideration, as they will not have the same ability (as larger organisations) to plan in advance, pay relevant fees, and navigate bureaucracy. Without additional consideration for smaller community organisations, the proposed policy could be considered inherently unfair.</p> <p>The proposed policy does not recognise the full range of variety that can fall within the term ‘procession’, and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, yet the proposed policy does not explicitly account for this. Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact.</p> <p>“Council can in limited circumstances exempt certain processions from requirements to give notice timeously”: this statement does not give detail on what these circumstances are, and also if this exemption would apply to the 12 week requirement for road closures (given that almost all processions will involve road closures).</p>
57	"I think it's important that the policy doesn't make it harder for community and other informal organisations - that it doesn't favour the commercial over the non-commercial. The Samhainn fire festival is the obvious community event at

	<p>risk here, but if you put that event at risk or prevent it happening, then you will prevent other community events.</p> <p>It's also a bit vague about what a procession is, and the right to peaceful assembly and freedom of expression has to be protected for all individuals and organisations - including community and non-commercial.</p> <p>Also, if things are generally working fine so far, why such radical changes - that 12 week notice period for example."</p>
58	<p>"* I believe that it should be a priority to consider the right of the community to express itself in the heart of this historic city. In their current form, no consideration is given to the benefit brought by city centre processions, nor of the need to protect them.</p> <p>* The policy must take account of the needs of small community organisations; at present it does not do that. Failure to take account of their needs would render this policy inherently unfair.</p> <p>* A true account of the variety of events which would be affected by this policy is absent. There seems to be no distinction between arts events and protest marches. This is inadequate and is highly likely to have unforeseen negative effects upon the cultural life of this UNESCO world heritage site.</p> <p>* The circumstances under which certain processions may be exempt is not made clear. This, again, is inherently unfair.</p> <p>* There appears to be no demonstration of how the right to "peaceful assembly and freedom of expression" are to be protected.</p> <p>* Given the fact that the vast majority of city centre events "pass without difficulty", this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset.</p>
59	<p>I agree with a code of conduct, but I disagree with it being used as a tool to hinder public displays and processions.</p>
60	<p>considering everything Edinburgh Council touches is a disaster; please leave everything, well alone until a 'responsible and competent' council is elected</p>
61	<p>"The proposed policy does not recognise the full range of variety that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, and is less likely to cause problems of disruption, yet the proposed policy does not explicitly account for this.</p> <p>Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful- especially if organisers can</p>

	<p>show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact.</p> <p>Given the fact that the vast majority of city centre events “pass without difficulty”, this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset.</p>
62	None at this moment in time.
63	How is a layman meant to have any hope of understanding the content or implications of this document? This is an exercise in exclusion.
64	<p>"Principles (1.3): The proposed code of conduct and policy does not demonstrate how the first proposed principle -'rights to peaceful assembly and freedom of expression'-are to be safeguarded, prioritised and woven into the new policy. The ways and points where consideration of this right will be manifested should be explicitly set out.</p> <p>Processions that take place today every year are what shape Edinburgh and make it unique to the world. The policy should state how this uniqueness is preserved."</p>
65	The Council must make efforts to ensure the city environment does not become homogenized, with a dead culture. Events are inherently spontaneous, that's why they are exciting. Bureaucracy is costly in terms of time required for it that detracts from the event, and limitations on creativity. A vibrant city is only created by the small efforts of many individuals, not central government dictates.
66	<p>"I do agree that the named freedom of assembly and expression are fundamental to a free and open-minded society. Also, I believe that these freedoms may need to be limited as to not interfere with the right of self-determination of others - as elaborated by thought leaders during the Enlightenment period.</p> <p>However, regarding the very case of the proposed policy and its implications on the persistence of Beltane Festival, I do have worries about some of the policy's side effects. Beltane Festival is a truly free and open-minded happening organised by Edinburgh people fostering a strong sense of community in the city. At the same time, the festival is part of a culture that has been suppressed and nearly extinct by the very enemies of freedom. Hence, the - indirect and hopefully unintended - banning of such a cultural event does not comply with the stated rationale of the Enlightenment.</p> <p>For these reasons, I strongly hope for a revision of the proposed policy."</p>

67	<p>"It is my understanding that certain Scottish-related events such as the Samhuinn Fire Festival are understandably concerned that this policy and code of conduct may negatively affect an important cultural festival important to the people of Edinburgh.</p> <p>It is important to ensuring that well run, culturally valuable events are protected, rather than restricted to the point that they cannot take place; this should be set out from the outset."</p>
68	<p>Convention on Human Rights (ECHR) legislation, are fundamental rights which the Council are fundamental and therefore ABSOLUTE! It does not matter what the council believes, and the fact that the council 'believes should be open to all;' suggests you might think otherwise.</p>
69	<p>It may be too easy for businesses to halt processions (such as the Samhuinn festival) if it is inconvenient. I worry that this may lead to a reduction in creativity and also, reduce tourism to Edinburgh - which is known for its interesting, creative, public art.</p>
70	<p>The proposed policy does not recognise the full range of variety that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, yet the proposed policy does not explicitly account for this.</p> <p>Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact.</p> <p>Furthermore, clarification about the circumstances in which certain procession might be exempt from particular requirements would be helpful</p>
71	<p>All events are very different. It's important that they are seen for what they are and the principals applied with this strongly taken into consideration.</p>
72	<p>As long as there are no restrictions to the number of people allowed, how they march, where they march or in what formation, I'm happy.</p>
73	<p>Edinburgh is world renowned for the vibrancy at it's heart. Any legislation that limits or curtails it would be detrimental to the city as a whole.</p> <p>We need to nurture and encourage events.</p> <p>Yes, there are inherent risks involved, and steps should be taken to minimise these, but not to shut things down</p>

74	<p>the first key principle is the one that counts, the other two seem merely an attempt to water it down. I wish my civic freedom, and those of my fellow citizens as recognised by law, to be regarded as sacrosanct. the council should provide guidelines for public processions and act as servants of the public, a resource: not an arbitrary power, dictating codes of conduct and policy.</p>
75	<p>I feel parades are a thing of the past cause sectarianism and are Scotland shame who want to visit a town when people are singing or playing music celebrating the death of other people because of a different religion we should be working to make this a thing of the past we are not Ireland this is not our history and only teaches the next generation that hate speech and parades are ok. They are not free speech but use alcohol and football to separate and causes violence</p>
76	<p>It is important to make a distinction between disruption caused by the mere presence of the procession and disruption caused by misbehaviour of participants. The latter is something that should be minimised, and the code of conduct should support that. The former is a cost of being in a democracy, and people's right to assemble and demonstrate should not be curtailed excessively because it causes 'disruption'. The business of some traders on the High Street (for example) may be 'disrupted' because a procession passes by, but that is a cost they are well aware of and is balanced by the benefits they get of being on a busy tourist thoroughfare. If they find the 'disruption' unacceptable, they can move their business elsewhere, where there are fewer processions.</p>
77	<p>I believe that the principles need to be written in a more easy to understand language. I have no difficulty, though I imagine that some may.</p>
78	<p>Edinburgh is special in having a city centre residential population and the rights of people not to suffer unnecessary disruption must be considered.</p>
79	<p>"The right to assembly and freedom of expression is absolute. That is the first and only key point. It is from this starting point that CEC must function, the right of citizens is paramount it is the duty of the City to work around that.</p> <p>The right to Assembly is one thing - that does not give the right to march. Within Scotland we have had a history of Sectarian division and Orange Lodges are a hang over from that time. These marches are abusive of others human rights, their actions of gangstalking and intimidation have no place in a modern Scotland. The events use noise and physical presence to harrass, they are physically intimidating in action and attitude. I am a priest and I would not be seen in my collar near one of these for fear of my safety.</p> <p>It is one thing to be able to gather - it is another to be able to march. Political</p>

	marches have their place, Sectarian events do not."
80	The proposed policy is very restricting.
81	We either subscribe to the rights to peaceful assembly and freedom of expression, as outlined in European Convention on Human Rights (ECHR) legislation or we don't, I do not agree that these rights are watered down to someone's (who?) view that these are now subject to proportionate limitations where it is necessary to do so ... who decides what is necessary?
82	If these rights are outlined in ECHR (and enshrined in law), then they are absolute. It should not be open to misinterpretation by council officials or councillors, potentially leading to costly mitigation.
83	I think it is a mistake to create a system that is complicated and lengthy enough that it pushes for professional parade organisers to emerge, i.e. people who have done all this before many times, rather than a system that enables fresh people with new ideas to come together with others and create public events. A fair, free, democratic society needs diverse vibrant voices and it needs them at the times that they need to be heard; not when it next suits the council to hear them.
84	The introduction seems to consider processions to be detrimental to commerce , which seems like a false proposition to me. People's need for goods and services is not undermined by processions, by and large which avoid shopping streets and typically pass by for no more than 20 minutes.
85	<p>Where are the highlighted benefits of processions? For example the human right of cultural expression, the rights of citizens to utilise public spaces for enjoyment (rather than simply somewhere to sleep, work or commute through), and the right to protest and/or celebrate?</p> <p>How are smaller community groups as able to access the funds and timescales necessary to submit successful applications under these proposals in comparison to large businesses whose only responsibility is to its shareholders? Small community groups benefit PEOPLE not PROFIT, so should be given priority in such instances.</p> <p>Why are protests and small festivals (such as Samhuinn, 31st October annually) being conflated? Protests can be large, unruly, hard to steward and potentially dangerous. The worst thing that might happen in Samhuinn is a small child being mildly perturbed by someone in facepaint saying ""grr"". This should be accounted for in the proposals.</p> <p>12 weeks planning for road closures is simply way too long for small arts festivals/groups to manage - they are volunteer led and often ran on a shoestring budget. Having to plan so far in advance impedes their ability to encourage volunteer participation, as the event size does not warrant such</p>

	<p>preparation.</p> <p>We have a right to freedom of expression. You have a responsibility to think about exactly how this right will be protected - some vague lines about protecting in is not even nearly enough - how will it be done? By whom? When? Etc.</p> <p>The cultural value of small arts festivals and events should not be lost due to some residents who chose to live in the city centre of a capital city, and must therefore have expected some level of noise and/or disruptions due to road closures on occasions. Their views are not more important than other residents, who live in such places for exactly the reason of 'culture'.</p>
86	<p>"The proposed approach does not highlight the benefits that processions can bring or safeguard consideration of them. It is critical that this is included.</p> <p>Given the fact that the vast majority of city centre events "pass without difficulty", this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events such as Samhuinn Fire Festival are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset.</p> <p>The aims of this document include that this policy should be 'implemented fairly'. This must ensure that community organisations and expressions of views/culture must be supported and given consideration, as they will not have the same ability as larger organisations to plan in advance, pay relevant fees, and navigate bureaucracy. Without additional consideration for smaller community organisations, the proposed policy could be considered inherently unfair."</p>
87	<p>The policy points are broad and open.</p> <p>I would suggest that a commitment to the values of Edinburgh as a culturally and politically vibrant city are enshrined in these principles along with a commitment to support grassroots and non-commercial events in the city so far as is possible.</p> <p>Without specific consideration for smaller community organisations the proposed policy could be considered inherently unfair.</p> <p>The rights of the community to express itself should be affirmed in the policy, particularly in places of significant community and cultural significance.</p> <p>The proposed policy does not recognise the full range of variety that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, yet the proposed policy does not explicitly account for this. Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events</p>

	<p>without incidents, and that adequate measures are in place to restrict any undue impact.</p> <p>Given the fact that the vast majority of city centre events “pass without difficulty”, this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset.”</p>
88	<p>Having a code of conduct is a brilliant idea. However, I think the balance is important, and I'm concerned that this process has been driven by Residents of public areas, so seems biased towards particular concerns.</p> <p>Edinburgh is a world heritage site, and huge cultural hub, and many great cultural events take the form of processions - The Up-Hellya torchlit procession, Samhuinn, Mummers Walk, etc. They span a broad range of numbers of followers, and applying the same process to all might encumber the smaller events unduly.</p> <p>So, I'd like to suggest something of a principle that I feel strongly about, but doesn't seem to be taken into account.</p> <p>The centre of the city, while it may have some residents, is not a primarily residential area. As the centre of the city, it in some sense belongs to more than the people who physically live there. Its daytime and evening pedestrian population is one which largely resides elsewhere in the city, but are also invested (and they do invest - time, money, etc!) in the centre.</p> <p>So, that's a principle that I'd like to see represented here, somehow. That the the *multi-use* spaces that comprise our city centre, are invested in by residents and non-residents alike, and must serve the needs of both.”</p>
89	<p>The principles should include a statement that supports the community's right to use the city center for cultural expression and an expression of the community itself. If such restrictions are put in place, it could mean the end of the Samhuinn as we know it. This is an outrage and here's why: Samhuinn is the original Celtic pagan holiday which gave birth to modern day Halloween. As a pagan myself, I am disgusted by the commercialization of a once sacred holiday but the Beltane Fire Society has affirmed Samhuinn's position as a date of cultural and religious importance, giving voice to and representing a minority part of Edinburgh's population. Let us not forget that at one time, Scotland was a pagan nation. Why is it that certain traditions, like bagpipes and kilt wearing are consistently upheld and seen as Celtic symbols, when the true Celtic pagan practices are at risk and ignored by society at large? These holidays, Samhuinn and Beltane, are the deep, and long forgotten cultural backbone and bedrock of Celticity in Scotland and were present as sacred and important cultural practices far before the introduction of Christianity and deserve a prime place of recognition. These restrictions alter the very nature</p>

	<p>of the festival, which therefore alters the meaning. The festival is set up and performed in a way that pays tribute to and honors the pagan ritual and heritage of Samhuinn. Everything is done for specific reasons and it must maintain this. Allowing it to continue has it always has, in the heart of the city, is allowing for a peaceful and joyous celebration of Scottish culture and recognizing the religious freedom and freedom of speech of Edinburgh's residents.</p>
90	<p>More attention should be paid to the cumulative potential disruption, noise and inconvenience to residents in the area of a parade particularly in the Old Town area where parades and Festival and other events are likely to take place fairly often. People in the Old Town are not kill-joys or against public debate but their amenity and quality of life must be considered before parades etc are sanctioned.</p>
91	<p>The proposed policy does not recognise the full range of variety that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, yet the proposed policy does not explicitly account for this. Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact. Given the fact that the vast majority of city centre events “pass without difficulty”, this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset.</p>
92	<p>The third key principle beginning; "The exercise of these rights..." in my reading places all the emphasis on the organisers of processions and none on residents and businesses in the city centre. My feeling is that while this is justified there should also be specified a responsibility on the part of said residents and businesses to understand the nature of the area in which they live and/or do business and accept that part of being in the city centre of Edinburgh means tolerating the activities, processions etc which have for a long time been a part of the life of the city centre.</p>
93	<p>"I agree that there should be a policy and code of conduct in place that ""controls"" the processions, demonstrations etc that are being applied for. However, when it talks about the disruption to local businesses and tourism etc, there is no mention of the positive benefits processions bring to local businesses and tourism. I specifically travel to Edinburgh to take part and view processions celebrating cultural festivities and while there spend money in the local businesses and see many tourists enjoying the festivities, some of them</p>

	<p>coming from round the world to see these events.</p> <p>It would be sad to see if smaller events that bring less people are deemed as not bringing enough money to the city and therefore being ousted in favour of the larger more prestigious events. Particulaly in these harder times with less money, it is these community festivals that hold the true spirit of the community and togetherness, and sould be celebrated.</p>
94	<p>"Priority should be given to community procession / performances / arts in these principles so that they may be prioritised when approving procession applications.</p> <p>Distinctions should be made between artistic processions and protest marches. Well managed events (such as Samhuin Fire Festical) which are of cultural utility to Edinburgh should not be impeded by these principles"</p>
95	<p>"While I agree strongly that a code of conduct and policy does need to exist. I have the following issues:</p> <ul style="list-style-type: none"> - Many of the sections seem vague. Eg. "Council can in limited circumstances exempt certain processions from requirements to give notice timeously". What would those circumstances look like? A 12 week TTRO window is practically impossible from a protest OR an event point of view. 3 months out from a event, it's rare that an Event Manager is working on it to the point where they have the necessary information for a Road Closure. At Samhuinn 2016, due to a change of suppliers, our TTRO was not submitted until the week before, that was no issue due to the Council team being fair, reasonable and good to work with. - Given the fact that the vast majority of city centre events "pass without difficulty", this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset."
96	<p>The key term from the 3 key principles is "rights of others are not infringed". It's fair for the organisers to abide by some fundamental basis that stems from the ECHR. However, the claims from those outside of any processions must be assessed as much as the procession, where one person claiming their rights may be being infringed might actually be not factual.</p>
97	<p>"The Beltane Fire Society supports the need for a policy and code of conduct, and a clear set of principles to guide them. However, we do feel that a number of elements in this proposed set of documents, and specifically the introduction, must be adapted in order to ensure they do not unduly impact on community culture and the rights to freedom of assembly and expression.</p> <p>Below we set out a series of specific areas we believe should be addressed</p>

within the introduction, regarding overarching points, the aims, the principles, and reference to exemptions.

REGARDING OVERARCHING POINTS IN THE INTRODUCTION:

The proposed policy does not recognise the full range of variety that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event - such as our Samhuinn Fire Festival - is very different to a protest march; and yet the proposed policy does not explicitly account for this. Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact. In the interests of clarity and transparency, specifics on this should be set out in the policy, rather than applied in an ad hoc manner.

The policy and code of conduct must clearly set out both the rights and responsibilities of organisers, participants and the public. At present, the current draft focuses predominantly on the rights of residents and businesses, and the responsibilities of organisers/participants - which does not give a full and complete picture of the importance of processions in key community areas - and thus does not fully stress how those making decisions about applications should factor this in to the process.

Given the fact that the introduction states that vast majority of city centre events "pass without difficulty", we believe this proposed policy and code of conduct should allow specific provision to ensure that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place. We believe this should be made clear and explicit from the outset of the document, for the avoidance of doubt and in the interests of transparency.

Additionally, the aims set out in the introduction include that the policy should be 'implemented fairly'. This must ensure that community organisations and expressions of views or culture must be supported and given consideration, as they will not have the same ability (as larger organisations might) to plan in advance, pay relevant fees, and navigate bureaucracy. Without additional consideration for smaller community organisations, the proposed policy could be considered inherently unfair; we believe this must be explicitly addressed in the introduction, and throughout the policy and code of conduct.

REGARDING THE PRINCIPLES:

We believe the principles should include a clear statement regarding the right the community has to use and express itself in the heart of the city. Spaces such as the High Street, Grassmarket and The Mound are spaces that are critical to the local culture and community, and community use of them should be prioritised when deciding whether to approve procession applications.

	<p>Again, this should be made clear in the introduction and throughout the policy.</p> <p>In addition, we do not feel the current draft sufficiently highlights the benefits that processions can bring or sets out any way in which these benefits would clearly be factored in to decision making. The principles would be one key place that this should be stressed.</p> <p>Lastly, the proposed code of conduct and policy does not demonstrate how the first proposed principle - 'rights to peaceful assembly and freedom of expression'- are to be safeguarded, prioritised and woven into the new policy. The ways and points where consideration of this right will be manifested should be explicitly set out, both in the introduction and throughout the rest of the code of conduct and policy.</p> <p>REGARDING REFERENCE TO EXEMPTIONS:</p> <p>"Council can in limited circumstances exempt certain processions from requirements to give notice timeously": this statement does not give detail on what these circumstances are, and also if this exemption would apply to the 12 week requirement for road closures (given that almost all processions will involve road closures). In the interests of transparency and clarity, specifics on the nature and criteria for exemptions should be set out (as well as the process for highlighting these in the notification process), and specific process regarding the impact on road closure notices made clear.</p> <p>If the 12 week notice for road closures will apply even when the standard 28 day notice exemption is given for permission for a procession, this strict timing removes the ability for communities to express their opinions in reaction to high impact political events, such as Brexit, referendum results and other world events.</p> <p>"</p> <p>"Considering the challenges that parades and processions pose to the city are laid out in much detail, it would only be fair to also include the benefits and to make sure that the gain they bring to the city, be it culturally, financially or otherwise, is given appropriate space and consideration in the proposal.</p> <p>As the council notes that the majority of processions pass without difficulty, they should also strive to retain those events that do so, rather than impeding them with more restrictions, and the council's support for peaceful, respectful and smooth-running events should be made clearer in the policy."</p>
98	<p>Regarding the difficulties resulting from "participants, followers or protestors (who) have displayed an overtly controversial political or religious affiliation, which has caused complaints and offence to others members of the community". This wording strays close to censuring people for having unusual beliefs, rather than for engaging in harmful actions. But I strongly agree with the spirit of your statement, if the intention is to prevent aggression and antisocial behaviour. This would seem to be a good reason for a clear,</p>

	<p>reasonable and consistent code of conduct, and to specifically address events which have a history of poor cooperation or behaviour. However, making it harder to stage processions of all kinds, as some of the proposals in this consultation do, is not a fair or effective response. Instead it would most affect those organisations who wish to abide by regulations and create a positive experience, whilst leaving reckless or antisocial behaviour unaffected.</p> <p>The proposal also doesn't adequately address the value that processions bring. Any negative impact caused by processions must to some extent be weighed against their benefits to the city's culture or community or economy. Edinburgh as a city is associated with public performance and public engagement. And it is critical that this public spirit is allowed to remain in the hands of local communities, rather than being restricted to large establishments in the form of the Fringe, street markets and military parades. Those large events are immensely valuable, but if they are allowed exclusive access to the city while more informal gatherings are restricted, the actual people of Edinburgh would be reduced to audience members and consumers, rather than community participants."</p>
99	<p>"A code of conduct which balances the rights of the individual with the needs of the group is a good thing. However, the following points also need to be addressed:</p> <ul style="list-style-type: none"> * The principles should include a clear statement regarding the right the community has to use and express itself in the heart of the city - in spaces that are critical to the local culture and community, so that this is prioritised when deciding whether to approve procession applications. The proposed approach does not highlight the benefits that processions can bring or safeguard consideration of them, and it is critical that this is included. * The aims of this document include that this policy should be 'implemented fairly'. This must ensure that community organisations and expressions of views/culture must be supported and given consideration, as they will not have the same ability (as larger organisations) to plan in advance, pay relevant fees, and navigate bureaucracy. Without additional consideration for smaller community organisations, the proposed policy could be considered inherently unfair. * The proposed policy does not recognise the full range of variety that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event is very different to a protest march, yet the proposed policy does not explicitly account for this. Set categories, with lighter and more appropriate restrictions for community cultural and rehearsed events would be helpful – especially if organisers can show they have excellent records in organising existing events without incidents, and that adequate measures are in place to restrict any undue impact.

	<p>* “Council can in limited circumstances exempt certain processions from requirements to give notice timeously”: this statement does not give detail on what these circumstances are, and also if this exemption would apply to the 12 week requirement for road closures (given that almost all processions will involve road closures).</p> <p>* Principles (1.3): The proposed code of conduct and policy does not demonstrate how the first proposed principle - ‘rights to peaceful assembly and freedom of expression’- are to be safeguarded, prioritised and woven into the new policy. The ways and points where consideration of this right will be manifested should be explicitly set out.</p> <p>Given the fact that the vast majority of city centre events “pass without difficulty”, this proposed policy and code of conduct must err on the side of ensuring that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place; this should be set out from the outset."</p> <p>(* This response is replicated 31 times in this section of the consultation – a number had the following reference - [Some suggested potential points to refer to in your answer:])</p>
100	<p>"The policy and rights should be balanced by what predicates motive and ideology of the group wishing to display. Additionally, if a group that presents regularly an analysis of motives and ideology should be a defining factor in the Council agreeing continual or ad hoc presentations by any group which present monthly, or annually, or sporadic over a period of months only.</p> <p>I'm not aware what the Council policy on how or what processes are for groups to define what the reason to present for public procession. But what i'd suggest is a standard descriptor to so each party can be identified by that descriptor from a drop down menu - either electronically or on paper to better define the organisation. I'd also suggest a drop down menu, or on paper (that would naturally develop and evolve from a basic list of ""reason for public procession"" that would pre-define this and the reason for marches that would identify new trends and motive for marches for further statistical analysis.</p> <p>This would also help to identify groups who have alterior motives by analysis of the group and name, what is known publicly already (even if outwith Edinburgh area), and the reliability of the applicant/representatives.</p> <p>All this should be taken into account."</p>

Question 9

To what extent do you agree or disagree with the following statements about the notification process? - To what extent do you agree or disagree with the following statements about the notification process? - This section of the policy and code of conduct provides all the information I need about the notification process.

Please use the space below for any comments or suggestions about the notification process. - Please enter your comments in the box below.

1	I have applied for notification for my walk to take place and have not heard anything back
2	The 28 day minimum notice must be adhered to. This allows for appropriate planning and changes to route, arrangements etc.
3	I think there has to be a notification period for the council to be able to deal with traffic management etc but that there should not be further red tape added for organisers. I have to say the process and support we have received from Edinburgh Council has been excellent and much appreciated.
4	As with my previous answer. I neither agree or disagree, because I don't agree with the subject in anyway, and feel there are more important issues that need to be addressed
5	What penalties will be applied to those organisations whose demonstrations do not adhere to the policy having signed up to it pre-fracas?
6	The exceptions to the 28 day rule are totally unclear. In any case 28 days is unlikely to be practical in very many cases. if the world was as simple and organised as that we wouldn't need to be organising any political processions.
7	There should be a very strong foundation for any parades happening in Edinburgh. These are highly disruptive and should not become a routine affair. The organisation that is organising these should have very strong proof that there is a need for these and what objectives will be met through a parade that cannot be met through other means without disrupting normal life.
8	a good timely warning is essential
9	"CEC propose a very substantial change to the 28 day notification period - and this seems to relate directly to the time it takes to secure a TTRO. Yet this document does not specify when a TTRO would be required - or why. This means that notifiers will not know how long the process will take. It is not at all sufficient to refer notifiers to complex external guidance documents (such as the Scottish Executive document of 2006). CEC should give a very clear

	<p>explanation, in plain English, as to when the 28 day period will be insufficient; when (and why) a TTRO would be required; and who is responsible for securing and funding such an Order.</p> <p>Many of these issues are raised and explored here, and difficulties around TTROs have been recognised by the Scottish Government: http://www.gov.scot/Resource/0050/00506722.pdf "</p>
10	<p>I have no further comment, I have read and understood the notification process, although I did not find it so straight forward to find the notification form, I have now found it on the Events Edinburgh page.</p>
11	<p>This is not always used - spontaneous 'parades' are allowed to spring up from no-where</p>
12	<p>"It is stated that "all processions must be notified in writing by completing a notification form". The use of a prescribed form, however desirable, is NOT a statutory requirement: A letter containing the relevant details would suffice.</p> <p>It is further stated that a "minimum of 12 weeks' notice is required to allow the Council to meet its statutory obligations" where a TTRO is required. City of Edinburgh Council is attempting to increase the notification period from one month to nearly three months and this is ULTRA VIRES of their powers under the Civic Government (Scotland) Act. Several issues arise:</p> <p>Firstly, it is considered that the document should address possible conflict between the timescales required for a Temporary Traffic Regulation Order and the period of notice required, under the Civic Government (Scotland) Act 1982, by a person proposing to hold a procession.</p> <p>Secondly, the circumstances in which a TTRO is required – particularly in connection with public processions – and the extent of or limitations on the powers of the police under the Road Traffic Act 1988. It is considered, also, that the consultation document should address the current provision of the sections of the Road Traffic Regulation Act 1984 as inserted by the Road Traffic Regulation (Special Events) Act 1994 which provide that only one TTRO is permitted within any calendar year affecting the same length of road without special permission from the Scottish Ministers.</p> <p>Thirdly, the question of whether the words "sporting event, social event or entertainment" in Section 16A of the Road Traffic Regulation Act 1984 embrace, also, public processions.</p> <p>Fourthly, the Galas and Events guidance issued by the Scottish Government distinguishes between "events such as a march, or a moving procession" and "any other event" (Section 2.0). These "other" events, the document continues, are covered by Section 16A of the Road Traffic Regulation Act 1984 and Sections 16A-C of the Road Traffic Regulation (Special Events) Act 1994. These Acts specifically refer to "relevant events" defined as "any sporting event, social</p>

event or entertainment which is held on a road". It is not at all clear to the Orange Order, therefore, the extent to which any Orange Order march is actually covered by these Road Traffic Acts.

At paragraph 2.1 (page 13) of the consultation document it is stated that the organiser should provide inter alia a list of places where [a] recognised, religious, cultural or legal ceremony is likely to be taking place along the parade route. This requirement is extra-statutory and could well be asking an organiser for information he does not possess.

Similarly, details are requested as to why a procession will traverse the city centre and for an explanation as to why such a route should be chosen. The Orange Order organises at least two processions annually which traverse the Royal Mile which is, by definition, in the city centre and we would submit that the Royal Mile grew in popularity, so to speak, as a venue for marches and parades due to the non-availability of Princes Street during the construction of the tramway. Since then, Edinburgh Council has adopted a policy of greatly restricting the number of events in Princes Street which would be likely to involve the closure of the tramway. This policy inevitably led to an upsurge in the number of processions seeking to utilise the Royal Mile and it is most unfair that the council now seeks to unduly restrict the right of peaceful public assembly in the Royal Mile when it is Edinburgh Council which created the problem – if it is that – in the first place.

It is also significant that the Royal Mile is also the location of the Scottish Parliament and that many groups and individuals will seek permission to demonstrate there in order to bring some issue to the attention of legislators.

We submit that it would have to be clearly demonstrated by evidence of probative value that these events would cause disruption to the life of the community before any proposal to amend the route could be sustained. It is submitted that any proposal to vary submitted routes would be contrary to the Lodges' rights under Article 11 and contrary to the Council's convention duty which is to take reasonable and appropriate measures to enable lawful assemblies and processions to proceed peacefully. A general policy to ban processions from the Royal Mile, or the city centre generally, unless there are exceptional reasons is contrary to Article 11 of the ECHR.

Details are also sought as to whether consideration has been given by procession organisers to an alternative to a procession. We consider that this request is ULTRA VIRES of the powers of the Council and its inclusion in any document issued by the Council in connection with a procession is most improper.

The Lodges are concerned that the Council might begin to consider that any failure to accept the alternative would be treated as a relevant consideration at any consideration of a notification of a procession. If such a matter is taken into consideration the Lodges would submit that it was an irrelevant consideration

	standing the Lodges rights under Article 11.1 and the Council's convention duties in respect of a proposed procession."
13	<p>"The ABOD submits that whilst it has a statutory duty to give at least 28 days' written notice, there is no statutory duty on the part of CEC to respond within a particular time frame. Our branch clubs in the city always notify the authorities several months (sometimes a full calendar year) ahead of a planned event, yet Events Planning [EPOG] meetings with police and council officials are invariably arranged only weeks (even days) before an event is due to take place. This creates uncertainty, hinders forward planning, and makes it difficult for us to lodge appeals should we believe CEC has acted unreasonably or - in the case of our parade notifications in 2015 - unlawfully. We suggest that CEC adopts a reasonable timescale in which to respond to parade notifications to allow a parade organiser sufficient time to prepare and lodge an appeal if necessary.</p> <p>CEC states on page 6 of its Notification Process document:</p> <p>"When necessary a Temporary Traffic Regulation Order (TTRO) is issued to allow the event to take place. A TTRO would be necessary to close any roads or to prohibit parking etc. The application process for a TTRO under the Road Traffic Regulation Act for processions and the timescales associated with this process means Road Services team will require longer than the normal 28-day notification period required under the Civic Government (Scotland) Act 1982. In these circumstances 12 weeks' notice is necessary to enable the Council to meet its statutory obligations."</p> <p>There is an obvious discrepancy here since the time required to secure a TTRO significantly exceeds the 28-day minimum notification period as laid down by statute. The suggestion that an organiser would require to give "a minimum of 12 weeks' notice" is extra-statutory and discriminatory.</p> <p>We view with concern the possibility of a situation arising where a parade organiser - even though he has met his statutory obligation of providing the minimum 28 days' notice - is faced with the very real prospect of CEC issuing him with a prohibition order on the ground that there is insufficient time to arrange a TTRO. We submit that it is wholly unreasonable for CEC to expect the organiser of an ABOD parade to know when a TTRO would be required.</p> <p>We further submit that if the acquisition of a TTRO is considered necessary before any future ABOD procession can proceed, then the responsibility for securing one lies with the Council. We cite as our authority for this assertion the positive duty placed on contracting states "to take reasonable and appropriate measures to enable lawful assemblies and processions to proceed peacefully". There is nothing in statute that requires us to put in place a TTRO and we have no intention of doing so.</p> <p>Appendix C of page 1 states:</p> <p>"If an application to march etc is deemed acceptable, a 'Letter of Confirmation'</p>

	<p>will be issued to the organiser.""</p> <p>The Apprentice Boys of Derry would remind CEC that there is no such thing as ""an application to march"". CEC ought never to consider our branch clubs' parade notifications as applications; we are NOT 'applying' for anything. We are simply fulfilling our statutory duty to NOTIFY the authorities of our intention to exercise our fundamental right of peaceful public assembly.</p> <p>This is not merely a matter of semantics; a vital principle is involved. For example, if a person wishes to obtain a taxi license, or a firearm license; or a second-hand dealer's license, or a liquor license, he must first submit an application for a license to the council and, crucially, must wait until this is granted before he can operate his taxi; or purchase a firearm; or sell second hand goods or alcohol. To do otherwise would be unlawful.</p> <p>The ABOD does not require a license to exercise its right to march, nor does we require CEC's 'permission'. All we are required by law to do is 'notify' our proposals to the local authorities and, if we hear no more about it, we can simply proceed with our parade.</p>
14	<p>The information required and the limits which the council feels it can impose upon the demonstration make this task nearly unapproachable to members of the general public. If there were a paid organiser yes this is possible. However, this will severely discourage people trying to arrange a march in honor of someone, or as a charity event. The timeframe requested also severely inhibits any ability to create a protest in relation to a direct event. A good example was the protest which was anti America's Muslim travel ban. If it was held 28 days later or even 12 weeks later, peoples attention span would have drastically shifted, and the worldwide protest potentially helped ammend the issues that the travel ban was instigating.</p>
15	<p>The information required and the limits which the council feels it can impose upon the demonstration make this task nearly unapproachable to members of the general public. If there were a paid organiser yes this is possible. However, this will severely discourage people trying to arrange a march in honor of someone, or as a charity event. The timeframe requested also severely inhibits any ability to create a protest in relation to a direct event. A good example was the protest which was anti America's Muslim travel ban. If it was held 28 days later or even 12 weeks later, peoples attention span would have drastically shifted, and the worldwide protest potentially helped ammend the issues that the travel ban was instigating.</p> <p>This is seriously detracting participation of people in our democratic process which is simply mandatory to have functioning democracy."</p>
16	<p>It's not really relevant for BFS's Samhuinn as it's a fixed date and the Committee/Producer can get that notification in well ahead of time. However, I feel the 12 week notice for more spur of the moment protests or similar is rather</p>

	limiting.
17	In regards to - exceptions to notice period under 'exceptional circumstances': further detail is needed on what contributing factors would be considered suitable exceptions for procession notification. Current proposal does not provide robust detail on this.
18	Are these restrictions for all events?
19	Police should not manage public events like this
20	A TTRO is something which is needed by professional film/TV companies to shoot on Location or construction companies - not communities. By forcing the 12 week TTRO order upon community processions, you are taking away the soul of the community in the city. How does this fit into keeping a vibrant, engaged populace? This is crass commercialisation in the disguise of Health and Safety.
21	Although the policy is clear enough, I condemn it on the grounds that one week or less should constitute sufficient notice. If people were to assemble at the spur of the moment to express political dissent, the council could, under this measure, declare their assembly unlawful - an action which would fly in the face of democracy
22	On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process.
23	"The suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO) would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise. The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order, 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more

	<p>achievable for community groups and organisations.</p> <p>Regarding exceptions to notice period under 'exceptional circumstances': further detail is needed on what contributing factors would be considered suitable exceptions for procession notification. Current proposal does not provide robust detail on this.</p> <p>On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process."</p> <p>Notification time should be 28days regardless of TTRO being requires. Especially for events that are held annually on the same date.</p> <p>(* This response is replicated 36 times in this section of the consultation – a number had the following reference - [Some suggested potential points to refer to in your answer:])</p>
24	<p>"The 12 week notification period is excessive and will disproportionately harm smaller groups from being able to organise processions, for example the Women's March in protest of Donald Trump would have been impossible to organise in this timeframe whilst being an incredibly important event for women's rights and democracy. The current time-frame of 7 days accommodates this and seems to have worked well thus far.</p>
25	<p>"The suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO) would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise.</p> <p>Regarding exceptions to notice period under 'exceptional circumstances': further detail is needed on what contributing factors would be considered suitable exceptions for procession notification. Current proposal does not provide robust detail on this.</p> <p>Further, the current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process."</p>

26	Not clear what counts as "exceptional circumstances". The 12 week notice period will make it really hard for community groups to organize anything other than annual events.
27	"-12 weeks is way too long. This works for art events with long planning time and even for them, it makes life harder. But for political protests, this is lethal. People need to have the chance to protest political events when they happen and not a quart"
28	28 days? Really? Yes this will be fine for events and large groups but often protests are in response to current affairs. This is purely about council response times.
29	further detail is needed on what contributing factors would be considered suitable exceptions for procession notification.
30	The criteria could be more clear, detailed, and justified. This period seems a bit excessive for unclear reasons.
31	This does seem to involve a very great deal of complex bureaucracy, and I worry that smaller organisations might struggle to complete these requirements. Given the aim of ensuring freedom of expression, and given that some of Edinburgh's communities are quite small, I would regard this process as overly favouring large, monied organisations.
32	"2 weeks is a more suitable notice period which will be possible for smaller community groups and organisations. I don't see any strong argument for making it any longer. Also you talk about many styles of procession under the one banner with little detail on how you would go about decision making process in different cases. "
33	"It isn't clear at all. What is a TTRO? It is total bureaucrat speak - and that is a sort of inhumane way of controlling people in a way that makes it look like it's for their own good and fair. It's neither.
34	"There is no discussion of exceptional circumstances for processions, for example protests against current events and no details on the circumstances when the notice period can be waived. There is no lightweight procedure for smaller events. I disagree that an event organiser should be required to consider a static event rather than a parade. That would seem to curb their freedom of expression. The council should be there to facilitate and not dictate."

35	It should be possible to process or march at short notice, e.g. in response to events.
36	Requiring such stringent notification could unduly stifle the right to assemble, parade, or process, and the process should be made easier and more timely to encourage and allow freedom of expression.
37	<p>On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process.</p> <p>"On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process."</p> <p>"• The suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO) would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise. The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order, 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.</p> <ul style="list-style-type: none"> • Regarding exceptions to notice period under 'exceptional circumstances': further detail is needed on what contributing factors would be considered suitable exceptions for procession notification. Current proposal does not provide robust detail on this. • On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration

	the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process.
38	The period for choosing roads currently is significantly faster than 12 weeks. No reason is given for the massive increase in time.
39	Notification period is too long. Doesn't allow for emergency processions that allow people to make their voice heard in response to current events
40	28 days is too long. Unable to respond to current events.
41	I feel like the idea itself is well constructed and well delivered when read, but not being made public nearly enough.
42	The requirement to give 28 days prior notice is unreasonable if processions are in response to a very current issues. 7 days is the current requirement and I see no reason for this to change.
43	<p>I believe that the notice period should remain as 7 days.</p> <p>The suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO) would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise. The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order, 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.</p>
44	Four weeks is far too long, this is just an attempt to stifle protest pure and simple.
45	The suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO) would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of

	<p>expression in response to events as they arise. The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order, 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.</p> <p>"• The suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO) would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise. The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order, 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.</p> <ul style="list-style-type: none"> • Regarding exceptions to notice period under 'exceptional circumstances': further detail is needed on what contributing factors would be considered suitable exceptions for procession notification. Current proposal does not provide robust detail on this. • On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process.
46	<p>- the 12 week notice period is completely unreasonable and unrealistic. Given Edinburgh's layout this would be required for the majority of processions, and it would stop many groups from arranging events. It would remove the community's ability to for pr</p>

	<p>"I am sure that if the Queen died while she was in Balmoral you would make an exception to the rule about 12 weeks notice for a road closure for a procession, as her body would be held at St Giles and there would be procession to and from there without 12 weeks notice. Therefore, this is discrimination as there is be one rule for privileged people and another for community groups.</p> <p>The suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO) would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise. The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order, 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.</p> <p>Regarding exceptions to notice period under 'exceptional circumstances': further detail is needed on what contributing factors would be considered suitable exceptions for procession notification. Current proposal does not provide robust detail on this.</p> <p>On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process.</p>
47	<p>"The council's only required to give a week's notice, why are you asking for 12 weeks from others? This does seem a breach of the right to peaceful assembly. Maybe a couple of weeks to give you time for your paperwork, but 12 is a long time.</p> <p>You're also very vague about what constitutes special circumstances, and what criteria you're looking at - community benefits, culture, historical existence."</p>
48	<p>"* A 12-week notice period for obtaining a TTRO would mean that most events would, in practice, now require a 12 week notice period. Whilst this might work for many large corporate bodies, it would prevent many community groups from</p>

	<p>taking part in the cultural life of the city, and would stymie the public's right to protest.</p> <p>* There is a huge lack of detail regarding what constitutes ""exceptional circumstances"" for an exception to the notice period. This must be made clear.</p> <p>* The benefits of parades and processions - economic, cultural and community - are not currently accounted for, and should be, in my opinion, made a key part of the process. (section 2.3)</p>
49	The notification process, where an organization must give notice ~1 month in advance, seems reasonable.
50	It is long and comprehensive although pretty off-putting to anyone thinking of applying
51	way too complicated and overbearing to be usable
52	I feel that the notice period proposed is too severe...where 7 days would be better/reasonable
53	None right now.
54	I believe that it is far too strict and that it ignores the rapid pace of change in our society.
55	Regarding exceptions to notice period under 'exceptional circumstances': This needs more detail what is considered exceptional. What is the process to approve an exceptional circumstance? How are the positives of a procession taken into consideration?
56	The 12 week notice period seems excessive and a shorter period would seem more appropriate.
57	"Allowances should be made for designated dates. i.e. Automatically allowing events on a Saturday/Sunday and on specific dates throughout the year. Without requiring application."
58	Some aspects are vague such as 'exception circumstances' more well defined guidelines are required for decision makers in consultation with people organising events in Edinburgh throughout the year.
59	The timescales are unreasonable. The council has prioritised and easier life for it's officers and collaborators over the citizens. You are there to provide this service.
60	12 weeks is far too long - the introduction of these huge notification times, and

	expensive licenses will discourage people from making public art.
61	<p>The form and information for organisers seems clear to me.</p> <p>However I note that the hyperlink to information about forthcoming processions is still to be added.</p> <p>As resident of the very centre of the Old Town what I need is advance information that a parade etc. is going to happen instead of discovering literally as it approaches. Knowing at the very least the day before would allow residents to plan accordingly. The council website does not make this easy - in fact almost impossible?"</p>
62	Section 2.6 has a missing hyperlink
63	If so lengthy a period of notification is required (except in exceptional circumstances) why are residents not given equally lengthy notification for parking etc? Reading some of the documents it does seem that residents are considered less than tourists or businesses.
64	<p>this seems contrary to the public interest, and the interest of the council: 28 days notice is too long. for example - a number of concerned citizens hold a march to commemorate the victims of a crime, but a grieving family and community must wait a considerable length of time before processing. it happens and delays the public's ability to respond to events as and when they happen. a draconian law is past, civil society is threatened, whatever it is: by forcing a longer application process, the council would be undermining citizens rights to respond and act in a world of 24 hr news and when the western principles of democracy seem increasingly under threat.</p> <p>"This section needs a simple flow chart with dates and decision points. The flow chart would then lead on to details of each requirements:</p> <p>Do you need a TTRO?</p> <p>Do you need to use a park?</p> <p>and so on"</p>
65	Explanations are vague and ambiguously worded, meaning they can be interpreted differently. No doubt to suit the whimsical needs of council agendas.
66	Currently a week is acceptable. How does more notice help to avoid disruption? it appears to only frustrate attempts to stage peaceful protests and parades. Particularly those based on what is happening to the world. the people of Edinburgh have just as much right to respond to outrageous politics with peaceful snap-marching as any other city in the world.
67	What about notification to those that will be affected: residents, businesses, etc?

68	The notification process does not seem to take our Sectarian divides into account.
69	12 weeks notification for a road closure seems an awfully long time. Is it really necessary?
70	In my experience the notification period is almost always adhered to by the people applying and informing the authorities ... the same cannot be said for responses to these submissions from the authorities bodies ... these authorities seem to routinely want to further discuss, amend or place other new found rules and restrictions on the event sometimes in the single days leading up to the event ... this has massive impact on planning, and sometimes on costs ... these poor behaviours and actions are routinely being used as restrictive barriers in order to have 'two bites at the same cherry' by authorities who do not want to support what are, legal submissions and requests.
71	"Timelines and notification processes may not fall in line with committee meetings etc. How does the council propose to overcome this situation to allow all parties concerned the appropriate time period to (a) submit proposals or (b) appeal any decisions?
72	It is unreasonable and unnecessary to require 12 weeks notice for an event requiring a TTRO. Just close the road. The rest of us will cope. A far more deadly and disruptive road issue is the council's failure to adequately repair road surfaces so that they are safe to use in the first place. As regards the notification process in general, it is too complicated and bureaucratic. You ask far more questions than people are likely to be able to answer easily - presumably you want the process to deter people from organising civic processions. The timescale, the questions you ask, and the organisations that you share this information with (such as the police) all lead to the reality that the more a protest, or celebration, or commemoration, etc. is needed, the less likely it is to be granted. What if an event is organised to stand up against, for example, police racism? You insisting on the organiser's details being given to the police means that such important concerns may never be publicly raised. Further, your insistence on and apparent belief that public processions always have individual leaders is both factually wrong and deeply politically problematic. Anyone who breaks the law after or during a procession will be prosecuted under separately existing legislation - you do not need to stifle community impulses in order to have a functioning city. No tourists will visit Edinburgh to see businesses. People come for the culture - friendly people, delicious food, passionate music, writing and poetry. Please consider this and do not put the whims of business lobbys ahead of everyone else. Any residents who dislike public parades are free to move away from the city centre. From what I have heard residents are often enthusiastic participants in parades, cheering and waving from their windows. Those are the kinds of civic minded residents we want living here.

73	Largely the form is easy to understand
74	<p>On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process</p>
75	<p>12 weeks is far too long a notification period for road closures, mainly because the two best forms of processions are reactionary protest marches and small community arts events or festivals cannot operate under this timescale. Protests are most useful when they are in reaction to certain ill-advised political decisions, such as invading a foreign country. 12 weeks after such an event has taken place is not the time to protest it - that should be done expediently, for obvious reasons. Small arts festivals run by volunteer members of the community on the other hand are likely to be low-budget, small-scale and organised by people who also have full-time jobs, studying and caring responsibilities. These people will be unlikely to know 12 weeks prior to a potential event which road closures they will need, unless they start planning tiny events 6 months before they are due to happen, which is unrealistic. As a volunteer at such events for the past decade, I can attest to the hard work and dedication of such people, who do not deserve such an unfair burden on their efforts.</p> <p>Also, where is the detail in regard to exceptions to this policy? To say there are exceptions but that you haven't bothered to think what they might be yet is inexcusable.</p> <p>Please take into consideration the benefit of such festivals and processions. They bring immense value to the community, despite them being largely non-profit. They bring fun, happiness, joy, decoration, freedom of self-expression, cultural expression, and life to what would otherwise be a dull city. "</p>
76	<p>On section 2.3 (how council deals with representations): The current proposed text does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, etc) and the importance of community and cultural benefits stressed, so that it is clearly factored into the decision making process.</p>
77	<p>"While 28 days advance notice is fine for planned cultural events, it's very prohibitive for necessary protests. This should be clear as has been seen recently for protests organised at short-notice such as those in response to the US presidential election and the UK/EU referendum.</p>

	Such protests will always have a short notice period, and may lack single responsible organisers. To restrict this sort of protest is an unacceptable removal of right to peaceful protest."
78	28days is too long if people wish to protest current issues or prevent actions by government that are not pre planned
79	"12 weeks is far too long unless its a preplanned arts event such as Samhuinn, and doesn't take into account the economic benefits such events bring to the city. 7 days would seem reasonable for ad hoc events such as support after a catastrophic event e.g. terrorist activity, major accident etc. There needs to be a sense of proportionality to the process, so that established safe well managed events aren't lost to the city"
80	This process seems reasonable and as straightforward as possible whilst also allowing affected communities to offer their input
81	"As stated in my previous comment, a 12 week TTRO window, means that basically all proposed processions will need to become static. For a procession such as ours, that then means we need to apply for Public Entertainment License, the fee for this is extortionate, due to having to apply for a 1 year licence for a 1 night event (this same issue occurs each year for Beltane Fire Festival). As a not for profit community event, there is no way in which was can afford to pay this fee. As an Event Manager, I can guarantee that no community event will be ready to submit the TTRO paperwork 12 weeks out from an event. As such this restriction completely isolates all community groups and leaves this permit only open to Commercial events.
82	"Considering the layout of the city, the extended notice period for processions which require road closures would apply to most processions, which is for one only problematic for processions that are organised in response to current events. Moreover, considering that the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 only requires 7 days notice, organisers having to give 12 weeks notice seems hugely disproportionate, even considering a period of negotiating routes, days and times. The possible exception for either notice period need to be set out clearer, the current use of ""where this period of notice would be impractical"" and ""certain circumstances"" don't really give any information on what might be considered acceptable. The plans to have clearer rules about stewarding requirements and risk assessments are excellent, as the more support the council can give organisers, the more they can ensure that their events will be to the benefit of all. "

83	<p>"Under the proposal almost all processions would be required to give a full 12 weeks' notice. The point of most processions is to be seen en masse in public locations which represent the heart of the city. Edinburgh is a dense and old city, and it's impossible to host processions around any of these key locations without closing roads. It's reasonable to negotiate with processions over how much road closure is necessary, but this proposal would constitute an extraordinary censure. It would particularly penalise protest marches, which need to be able to respond promptly to current events. They should certainly be required to give notice and to negotiate with the council, but the notice has to be a matter of weeks, not three months.</p> <p>The proposal refers to 'exceptional circumstances' allowing to waive this requirement, but since there is no mention of what those circumstances are, the 12-week notification could apply to all events or to none; it isn't clear."</p>
84	<p>How can a march estimate the number of participants? Or a free event guess the number of audience members?</p>

Question 14

Please use the space below for any comments or suggestions about the provisions of the policy and code of conduct. - Please enter your comments in the box below.

1	We have all these in place for a walk to take place for the safety of other and our self's
2	I've already covered this
3	Where are the sanctions/penalties that will be applied to transgressors?
4	Expecting all participants and organisers to have read the whole policy is absurd. There are unreasonable expectations throughout. Much of it appears to be an exercise in trying to limit civil participation by legalistic language and requiring unrealistic prior engagement.
5	Parades should not be allowed without enough justification
6	It is difficult to find streets that are not residential in the City Centre once Princes Street is ruled out. Further consideration should be given as to what noise from bands or chanting slogans is appropriate in particular streets and it may be that there are some streets that could be used for processions if these did not have bands or chanting and others where a fuller range of vocal expression was more appropriate.
7	differentiate between celebratory parades and protest
8	There have been processions for many years. There is no need for new regulations. Regulations should be at an absolute minimum, it is the people and their freedom to march that is central and anything that becomes a barrier to that is anti-democratic and illegitimate.
9	<p>Section 3.2</p> <ul style="list-style-type: none">- the introduction of clear guidelines around timings is very useful- less useful is the removal of the previous Codes reference (Condition 15) to "any place of worship or any other location where a recognised religious, cultural, or legal ceremony is taking place". The proposed wording privileges places of worship and seems to undermine CEC's desire to 'protect' the High Street - given that, e.g., most weddings are NOT held in places of worship. i would suggest that the term "any other location" is retained as it seems to be in the propped list of standard conditions. <p>- It is incumbent on CEC to equip Notifiers and police with the capacity to</p>

	<p>understand the impact that this clause will have on any planned music - this could be (partially) met by listing recognised 'places of worship' along a given route as well as other likely locations (e.g. registry offices) where a ceremony may be taking place.</p> <p>3.3 Responsibilities in managing traffic are not adequately outlined. External source cited (2006 Government document) does NOT provide clear guidance.</p> <p>Clause making organiser responsible to "Ensure that routes are free of obstructions" is unhelpfully vague.</p> <p>3.4 It would be helpful to refer here to the Trams Act and how this severely circumscribes processions etc on Princes Street. This is not made adequately clear to Notifiers, including in sub-committee where knowledge of this Act has been assumed rather than explained.</p> <p>Note that wedding ceremonies on High Street have raised issues around band music - have similar issues been raised around music/noise relating to tourism-related activities? If there is a noise issue there is a noise issue and it would seem contrary to natural justice to focus only upon non-commercial activities whilst allowing commercial ones. Note that the proposed wording of 3.2 above would offer protection only to 'places of worship' on the High Street and not, e.g., to the Registry Office.</p> <p>3.6 CEC should provide guidelines as to the 'suitable standard' for steward training, perhaps in conjunction with Police Scotland. As it stands in the proposed document the required standard is entirely unclear.</p> <p>3.8 This clause is unhelpful since it leaves an issue to be decided 'on the day' by the Police Commander. If this clause is to stand then it should far better be "subject to final agreement, in writing, XYZ days prior to the procession</p>
10	I couldn't answer 11 as I'm not sure if you were referring to the High Street or Princes St
11	I have no further comment, I understand clearly what is required.
12	These conditions simply are not kept to. After Hibernian won a football match a year or so ago, Easter Road, Leith Walk and all the surrounding side streets

	<p>were swarming with 'fans' in a procession to and from Leith Links. Although some police were present, the fans were mainly drunk and frequently urinating in doorways of homes and shops. This went on for 36 hours. Residents could not even leave their homes to go to local shops because the streets were so crowded. It was a disgusting and upsetting time for all those who lived in the area. Where were these codes of conduct and restrictions then?</p>
13	<p>We view with concern the proposed time restrictions on the playing of music before 9am and after 6pm, particularly because we are not aware of any similar restriction being imposed on e.g. buskers or on places of entertainment.</p> <p>In our view, the playing of music, like the distribution of leaflets or displaying placards is a form of what has been called “symbolic speech” and is entitled to the same protection which is routinely afforded to other manifestations of freedom of speech and freedom of expression.</p> <p>In our submission, a local authority does not have carte blanche to impose whatever restrictions it likes: conditions which restrict Articles 10 and 11 of the European Convention on Human Rights can only be imposed in certain strictly defined circumstances which are to protect</p> <ul style="list-style-type: none"> • Public safety; • Public order; and to prevent • Damage to property; and • Disruption to the life of the community <p>The European Court of Human Rights has repeatedly emphasized the fundamental importance of freedom of expression in a democratic society:</p> <p>“Freedom of expression constitutes one of the essential foundations of such [democratic] society, one of the basic conditions for its progress and for the development of every man. Subject to Article 10(2), it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’”.</p> <p>In the landmark judgement [Handyside v United Kingdom] it emphasized that freedom of expression “is not restricted to certain categories of information, ideas or forms of expression”.</p> <p>Nor is article 10 of the European Convention on Human Rights the only article of the convention which is engaged. Article 11 of the European Convention protects freedom of peaceful assembly. The European Court has ruled that “the freedom to take part in a peaceful assembly...is of such importance that it</p>

cannot be restricted...so long as the person concerned does not himself commit any reprehensible act". In the words of the European Commission, "the right to freedom of peaceful assembly...is a fundamental right in a democratic society, and like the right to freedom of expression, is one of the foundations of such a society".

We submit that by suggesting that the onus is on procession organisers to demonstrate, "to the satisfaction of the Council, that the playing of music will not disrupt the life of the local community" is to invert the evidential burden. To allow the playing of music from 8.30am for local community processions taking place outwith the city centre only is contradictory and discriminatory. Such local events will almost by definition, take place in residential areas where there is a strong possibility that some residents [e.g. shift workers] may be disturbed by music, yet, in the next paragraph, it is suggested that some restrictions may be required in the vicinity of residential developments. We view with suspicion the suggestion that the restrictions on the playing of music may be considered in the vicinity of "residential developments, places of worship, football grounds, and public houses" and recall that two of the (successful) legal challenges concerned proposed restrictions on the playing of music.

In the document 'Scottish Government Guidance – Review of parades and marches in Scotland (2006)' at paragraph 31 it is stated that:

"the most important question which your local authority need 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 a march."

It is very difficult to see how the playing of music at 8.30am or 6.30pm is, in any way, going to cause disruption to the life of the community.

We have the utmost concern with the statement at paragraph 3.3 which is in the following terms:

In terms of procession routes, the Council will take the following considerations into account:

- The impact of the route on residents, businesses and transport users and seeking to balance the desire of the procession organiser for a particular route with the impact on other people affected by that route. The presumption is that processions, where practical, will avoid residential areas;
- the responsibilities involved in managing traffic as referred to in Section 29 of

the guidance issued by Scottish Ministers. The Council will work with procession organisers and the police to minimise any costs which may be payable by the procession organisers for traffic management deemed necessary depending on the nature of the procession. In certain circumstances where a restriction on traffic flow is required to enable the procession to progress safely a TTRO (Temporary Traffic Regulation Order) will be required to allow the procession to take place.

In addition, the procession organiser must:

- ensure that, wherever possible, processions follow main roads, rather than going through residential developments
- ensure the routes are free of obstructions

All parades, processions and marches will by their very nature, cause disruption to the free flow of traffic and contribute toward congestion wherever they are held i.e. irrespective of geographical location. The ECHR makes it clear that there is a positive duty on an authority to take reasonable and appropriate measures to enable lawful assemblies and marches to proceed peacefully. It is therefore reasonable to expect disruption whenever a procession takes place. No restrictions may be placed on a march unless the authority can demonstrate that it is “necessary” for one of the reasons in Article 11.2. It can be argued that “necessary” does not mean “useful” or “reasonable” or “desirable” but implies a “pressing social need”. It is our opinion that City of Edinburgh Council would have to show that it is necessary to curtail the basic right before any such restriction would be upheld and we are totally opposed, in principle, to the type of restriction which would seem to be envisaged in this proposal.

We are unaware of what steps a march organiser could take to “ensure that routes are free of obstructions”.

Our position in this regard is that if City of Edinburgh Council has adopted a policy that requires the organiser to apply for a Temporary Traffic Regulation Order (TTRO) for road closures for a public procession then it is ULTRA VIRES of its powers for the undernoted reasons:

In general terms, the Laws of Scotland as they relate to Local Authorities imposing a requirement on organisers of a public procession to obtain permission or make payment for road closures; Road Signage; Temporary Traffic Regulation Orders; Traffic Management Plans etc. involves scores of Statutes including those relating to roads, traffic, local government, tax, competition and public procurement. The issue also impinges upon the Common Laws of Scotland as they relate to contract and delict. The history begins with the Act of Settlement in 1700 and comes to a conclusion (for the present) with articles 9 and 11 of the Human Rights Act 1998.

Our view, after consulting our legal advisers and taking the advice of learned counsel, is that the purported requirement is a violation of the democratic right to process peacefully in public.

I would respectfully refer your Legal Department to the under noted authorities on this subject:

- Human Rights Act 1998 and in particular, Articles 10 and 11 thereof;
- The Civic Government (Scotland) Act 1982 and in particular, Part V thereof;
- DDP v Jones & Another (1999) 2 All ER (House of Lords) page 257 et seq;
- Goodwin v The United Kingdom (1996) EHRR page 123;
- Platform “Arte Fur das Leben” v Austria (1988) 13 EHRR 204;
- Digest of Strasbourg Case Law relating to The European Convention of Human Rights – Update Volume III; • Christians against Racism and Fascism v United Kingdom (1980) 21 DR 138;
- Aberdeen Orange Lodge v Aberdeen City Council 2002 SLT (Sh.Ct.) page 52;
- The Noble Organisation Limited v City of Glasgow District Council (No.3) 1991 SLT 213;
- The Noble Organisation Limited v Kilmarnock and Loudoun District Council 1993 SLT 759;
- Leisure Inns (UK) Limited v Perth and Kinross District Licensing Board 1991 SC 224; • Singh v City of Glasgow Licensing Board 1998 SC 830;
- Risky Business Limited v City of Glasgow Licensing Board 2000 SLT 923

I would, in particular, refer Edinburgh Council to the terms of Lord Clyde’s speech in DPP v Jones (1999) 2 AC 240. “It seems clear that there is a public right to pass along the public road but of course, subject to certain limitations and restrictions open to a local authority under section 63 of the 1982 Act. This permits the local authority to propose conditions or prohibition but requires them to base any decision on correct facts, exercise their discretion in a reasonable manner and act within their powers”. They also require to give reasons if they have exercised their discretion and it is submitted that Edinburgh Council have failed to give any reason for such a condition.

We submit that our views are consistent with the European Court of Human Rights requirements that it is “the duty of Contracting States to take reasonable and appropriate measures to enable lawful demonstrations to proceed peacefully”. If it is the duty to take measures to enable lawful parade to proceed, it is arguably not right that the person who parades should be required to pay for road closures, Temporary Traffic Regulation Orders, Traffic Management Plans or signage to be able to undertake his right of parading. Article 11.2 provides that “No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in democratic society...” – it can be argued that having to apply for, or make payment for, road closures et al is not necessary in a democratic society and therefore it is a restriction that ought not to be placed upon those who march.

So far as the requirement that a parade organiser should “ensure all participants disperse as soon as the procession concludes” is concerned, it is suggested that such a condition is UKTRA VIRES of the powers of Edinburgh Council and of the march organiser. The march participants are law abiding citizens who are at liberty to remain in whichever part of the city they choose, provided neither their words nor their actions contravene the law and neither Edinburgh Council nor the march organiser can compel them to relocate to elsewhere in the city or beyond. That said, it has long been the custom and practice for participants in Orange Order processions in the city to be bused to various locations for social functions and it is not envisaged that there would be any change to this procedure. There is no legal basis whatever for treating march participants any less favourably than e.g. a group of tourists visiting the city.

Para 3.4

It is alleged that a number of wedding ceremonies or similar have been disturbed by the noise from bands taking part in parades. During the tourist season in general, and the festival period in particular, the noise from itinerant street musicians, on a daily basis, far exceeds the noise from bands once or twice per annum. Edinburgh Council, bearing in mind that it was this issue that sparked off two legal challenges in the recent past, should proceed with the utmost caution before imposing conditions in this area and note that whilst the lodges have not previously felt the need to embark on litigation they would not hesitate to do so if they felt that their rights under the ECHR were being eroded.

Para 3.7 Cost Recovery

The lodges submit that paragraph 3.7 fails to give a proper outline of the human rights framework, including freedom of speech and peaceful assembly under Articles 10 and 11 of the European Convention on Human Rights. The failure to fully outline the Council’s obligations under the Convention means that the whole document is flawed; it gives stakeholders a wrong impression on the convention rights and some of the proposals fail to ask the correct questions, because the proposals are premised on a flawed understanding of the Council’s obligations under the convention. The European Court of Human Rights has made it clear that there is a positive duty on an Authority (1) To take reasonable and appropriate measures to enable lawful assemblies and marches to proceed peacefully and even (2) to take adequate measures to prevent violent acts directed against the participants in an assembly or march, or at least limit their extent (see United Macedonian Organisation Linden and Ivanov v Bulgaria (2007) 44 EHRR4).

This duty arises out of Article 11 which confers the right of peaceful assembly

and association and provides that:

“No restriction shall be placed on the exercise of these rights other than such as are described by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”.

No restriction may be placed on a march unless the Council can demonstrate that it is “necessary” for one of the reasons in Article 11.2. Convention case law makes it clear that “necessary” does not mean “useful” or “desirable” but implies a “pressing social need”, thus making it a strong word. This has been accepted in the Scottish Courts where a Sheriff has said, in a challenge to a ban on a march that “it is for the public authority to show that it is necessary to curtail the basic right before any such restriction will be upheld”. (Aberdeen Bon Accord Loyal Orange Lodge No 701 v Aberdeen City Council 2022 SLT (Sh Ct) 52).

Accordingly, the Civic Government (Scotland) Act 1982 as amended by the Police, Public Order & Criminal Justice (Scotland) Act 2006 has to be read and understood against that background.

Further, the lodges are concerned by the reference to policing costs and the suggestion that the Council can recover some costs in relation to health and safety issues, traffic management, hiring facilities etc. Standing the convention duties outlined above, cost should not be a relevant consideration unless the costs are such that it is necessary for one of the reasons in Article 11.2 to curtail the freedom of assembly. The Orange Order knows of no statutory authority that permits the Council to make a charge where a march is to take place. To make such a charge would require statutory authority. Further, there is authority that indicates that IF A CHARGE IS MADE, SUCH A CHARGE CAN BE CONSIDERED TO BE AN INFRINGEMENT OF THE RIGHTS GIVEN BY Article 11. The Council of Europe in their “Guidelines for drafting laws pertaining to the freedom of assembly” say:

“... Note that the law should never impose on the organising party an obligation to pay monies as a condition of organising an assembly. The exclusion of the payment of monies as a condition stems from the right of everyone to freedom of assembly and the responsibility arising from this for the state to arrange appropriate policing.”

For these reasons the lodges are concerned that the consultation document

	<p>gives a misleading impression; the proposals are flawed and accordingly the responses to the consultation are likely to be made on a false premise.</p> <p>The lodges submit that there is nothing in the consultation documents that justifies any of the proposals as being “necessary” in terms of Article 11.2 to place any limitation on the lodges’ rights under Article 11.1.</p> <p>The lodges also submit that the guidance issued by Scottish Ministers in 2006 does not have the force of statute and is contrary to the lodges’ rights under the ECHR.</p> <p>Para 3.8 Halberds and weapons are not carried in marches by the Edinburgh lodges. However, if it is suggested that the poles on which the Order’s banners are carried might be a weapon, that suggestion is rejected and the lodges would oppose a suggestion that their banner poles may not be carried because these are essential to carry the lodges’ ceremonial banners.</p> <p>Para 3.9 □ While it is open to the Council to undertake whatever “encouragement” they wish, the lodges are concerned that the council might begin to consider that any failure to accept the “encouragement” would be treated as a relevant consideration at any consideration of a notification of a procession. If such a matter is taken into consideration the lodges would submit that it was an irrelevant consideration standing the lodges’ rights under Article 11.1 and the Council’s convention duties in respect of a proposed procession.</p>
14	<p>the stewarding ratio of 1 to 10 seems excessive.</p> <p>The Parade is an essential part of our particular celebration an alternative to it is not acceptable.</p> <p>Our organisation depends on donations to fund our parade and rally. additional charges for it could make it unviable.</p>
15	<p>On pages 2 and 3 it is suggested that the procession organiser must:</p> <ul style="list-style-type: none"> • Ensure that routes are free of obstructions <p>CEC should give clear guidance as to (a) what constitutes an obstruction? and (b) what steps CEC expects a parade organiser to take to ensure a route is "free of obstructions".</p> <ul style="list-style-type: none"> • Ensure all participants disperse as soon as the procession concludes

We view such a condition as being ultra vires of the powers of both CEC and the march organiser. Participants in ABOD parades are law abiding citizens who are at liberty to remain in whichever part of the city they choose, provided neither their words nor their actions contravene the law. Neither CEC nor the march organiser can compel them to relocate to elsewhere in the city or beyond. That said, it has long been the custom and practice for participants in ABOD processions in the city to be bused to various locations for social functions and it is not envisaged that there would be any change to this procedure. There is no legal basis whatsoever for treating march participants any less favourably than e.g. a group of tourists visiting the city.

3.7 Cost recovery

The ABOD submits that the consultation document is fundamentally flawed because its proposals are premised on a flawed understanding of CEC's obligations under the European Convention on Human Rights.

Furthermore, our branch clubs are concerned by the document's references to policing costs and the suggestion that CEC can recover some costs in relation to health and safety issues, traffic management, hiring facilities etc. Given CEC's convention duties, cost should not be a relevant consideration unless the costs are such that it is necessary for one of the reasons in Article 11.2 of the ECHR to curtail the freedom of assembly. The ABOD knows of no statutory authority that permits CEC to make a charge where a march is to take place. To make such a charge would require statutory authority.

Our branch clubs would direct CEC to The Council of Europe's "Guidelines for drafting laws pertaining to the freedom of assembly":

"... Note that the law should never impose on the organising party an obligation to pay monies as a condition of organising an assembly. The exclusion of the payment of monies as a condition stems from the right of everyone to freedom of assembly and the responsibility arising from this for the state to arrange appropriate policing."

Moreover, we would invite CEC to take on board the views of Mr Maina Kiani, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly following his visit to the United Kingdom in 2013, and would direct its attention to a conclusion he made with regard to Scotland:

"I was made aware that cost recovery measures are imposed on parade organisers by some local authorities (in particular the Glasgow local authority), a situation that I find troubling. Cost recovery measures are sanctioned by the Scottish Ministers through their 'Guidance for Scottish Local Authorities' on

	<p>marches and parades. I understand that marches and parades of the magnitude sometimes held in Glasgow require a large amount of resources to ensure public order and safety. Nevertheless, I am of the firm conviction that cost recovery measures place an unjustifiable burden on parade organisers and have the effect of unduly restricting the exercise of peaceful assembly. As I noted in my thematic report, ‘organisers should not incur any financial charges for the provision of public services during an assembly’”.</p>
16	<p>This is fine. I still vastly disagree with our tourists taking precedence over our cities ability to organise events for ourselves though.</p>
17	<p>Regarding music curfew of 6pm (section 3.2): Banning procession-related music after 6pm in the city’s core spaces for community processions is disproportionate. The proposals do not fit with existing designations and regulations and appear arbitrary. In addition, if rolled out they would mean the end of Samhuinn, a 20-year institution in the heart of our city that is an expression of our cultural heritage; a free event for the people of Edinburgh that is attended by thousands and runs without hitch, including with minimal complaints from the community and residents. Imposing a 6pm curfew on procession-related music is disproportionate to the inconvenience caused to others in comparison to the benefits that such events bring. According to a report produced by Edinburgh City Council (Noise and Vibration - Edinburgh Council), the most common sources of audible noise are road traffic, air traffic and neighbours, with domestic noise alone constituting the majority of noise-related complaints (domestic music 65%, other domestic noise 8%). Noise from entertainment or leisure is comparatively low, with reportedly less than a third of people hearing any noise from entertainment sources and only 1% of people possibly being moderately, very, or extremely disturbed by such noise. Of the typical sources of noise disturbances highlighted in section 30.17 of the report, noise from processions is not mentioned and therefore we would suggest is not a major source of entertainment-related noise.</p> <p>Considering this, it is likely that the majority of noise audible from entertainment or leisure sources relate to static entertainment venues. It is also worth noting that the majority of processions already take place during the day, with minimal disturbance caused by later processions. This makes the 6pm curfew on procession-derived noise unnecessary and ineffectual in addressing the major sources of noise disturbance issues.</p> <p>In addition, the Noise and Vibration - Edinburgh Council report specifically notes that “the city’s very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy”. Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement</p>

	<p>with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh's status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity.</p> <p>European Noise Directive Annex 1 provides a definition of the various time periods to be considered in relation to noise levels. It states the following: "the start of the day (and consequently the start of the evening and the start of the night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time". From the Council report Noise and Vibration - Edinburgh Council that the Council has retained the times in line with European standards, defining the end of daytime hours as 7pm. It should also be noted that other sources of noise from entertainment and leisure are not restricted to the same curfew. As such, the restriction of procession-related noise from 6pm is disproportionate and not in line with other policies and legislation. We would propose that, due to the infrequent nature of evening processions, restrictions instead be put in place from 11pm to 7am, bringing the policy in line with recognised night-time hours limitations and the requirements placed on other similar sources noise.</p> <p>(* This response is replicated 39 times in this section of the consultation – a number had the following reference - [Some suggested potential points to refer to in your answer:])</p>
18	<p>Samhuinn uses just the Mile from the Esplanade to Parliament Square, so there are no issues there regarding residential areas (although I appreciate people do live along the route). Additionally, that requires just a brief closure of George IV Bridge to get across it, rather than along it. So that's fine.</p> <p>However, given it's a Fire Festival, it happens at night for best effect. Thus the music cut off of 8pm is really not helpful. That's when the procession usually *starts*. And it wouldn't really be the same without the drums both during the procession and at the stage performance in Parliament Square (or the Mound as has been the case sometimes).</p> <p>With regard to the "places of worship", BFS already has a great relationship with the Minister of St Giles so, given that the stage performance happens right outside the front door once a year, it seems somewhat pointless to enforce that aspect of no music too. That robs the performance itself of much of its meaning and entertainment.</p>
19	<p>Banning procession-related music after 6pm in the city's core spaces for community processions is disproportionate. The proposals do not fit with existing designations and regulations and appear arbitrary. In addition, if rolled out they would mean the end of Samhuinn, a 20- year institution in the heart of</p>

	<p>our city that is an expression of our cultural heritage; a free event for the people of Edinburgh that is attended by thousands and runs without hitch, including with minimal complaints from the community and residents.</p>
20	<p>Regarding music curfew of 6pm (section 3.2): Banning procession-related music after 6pm in the city's core spaces for community processions is disproportionate. The proposals do not fit with existing designations and regulations and appear arbitrary. In addition, if rolled out they would mean the end of Samhuinn, a 20-year institution in the heart of our city that is an expression of our cultural heritage; a free event for the people of Edinburgh that is attended by thousands and runs without hitch, including with minimal complaints from the community and residents.</p> <p>Imposing a 6pm curfew on procession-related music is disproportionate to the inconvenience caused to others in comparison to the benefits that such events bring. According to a report produced by Edinburgh City Council (Noise and Vibration - Edinburgh Council), the most common sources of audible noise are road traffic, air traffic and neighbours, with domestic noise alone constituting the majority of noise-related complaints (domestic music 65%, other domestic noise 8%). Noise from entertainment or leisure is comparatively low, with reportedly less than a third of people hearing any noise from entertainment sources and only 1% of people possibly being moderately, very, or extremely disturbed by such noise. Of the typical sources of noise disturbances highlighted in section 30.17 of the report, noise from processions is not mentioned and therefore we would suggest is not a major source of entertainment-related noise. Considering this, it is likely that the majority of noise audible from entertainment or leisure sources relate to static entertainment venues. It is also worth noting that the majority of processions already take place during the day, with minimal disturbance caused by later processions. This makes the 6pm curfew on procession-derived noise unnecessary and ineffectual in addressing the major sources of noise disturbance issues.</p> <p>In addition, the Noise and Vibration - Edinburgh Council report specifically notes that "the city's very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy". Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh's status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity.</p> <p>European Noise Directive Annex 1 provides a definition of the various time periods to be considered in relation to noise levels. It states the following: "the start of the day (and consequently the start of the evening and the start of the</p>

night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time". From the Council report Noise and Vibration - Edinburgh Council that the Council has retained the times in line with European standards, defining the end of daytime hours as 7pm. It should also be noted that other sources of noise from entertainment and leisure are not restricted to the same curfew. As such, the restriction of procession-related noise from 6pm is disproportionate and not in line with other policies and legislation. We would propose that, due to the infrequent nature of evening processions, restrictions instead be put in place from 11pm to 7am, bringing the policy in line with recognised night-time hours limitations and the requirements placed on other similar sources noise.

Regarding use of city centre spaces, and the High Street in particular: Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity. Established community activity areas ('event spaces') should be protected and retained for continued use by the community - not only corporate or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.

Regarding the suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO): as set out above in answer 9, this change would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise.

The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a

	<p>far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.</p> <p>Regarding prescribed marching formation (no less than four side by side, and no more than six): This does not take into account the various forms which a procession can take (i.e. it assumes marching and doesn't allow for other styles of performing or when floats, puppets or other larger decorative items are included in the formation). It also fails to take into account street surroundings, unplanned participation of the public or whether this formation includes individuals such as stewards, police, etc.</p> <p>Regarding section 3.7 on cost recovery: the policy should include a clear set of criteria specifying the circumstances under which a procession would be subject to cost recovery. Charges/levies must be implemented in such a way that would act as a prohibitive measure against people exercising their right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights. Without clear criteria and specific amounts, this is a clear risk.</p>
21	6pm curfew is completely ridiculous. What kind of era are we living in? Is this the 1990s anti-rave law all over again? Please refer to European Noise Directive Annex 1 for more humane and realistic scheduling.
22	The writing is clear, but I abhor what's written! The public spaces of Edinburgh should be available for use by the public. Based on the tone struck here, I almost suspect that if the council had an army it would declare martial law. What's next, I ask you? Citywide curfews? A perpetual ban on the public performance of music? The council is a civic body, not a police state, and should comport itself with due restraint.
23	The requirement to ensure that all participants in a procession will march in a formation of not more than six and not less than four abreast shows the premise that this policy is based on: that of a march or parade (and as evidenced by the email address for correspondence). This does not take into account the various forms a procession can take. For example, floats, puppets or other larger items. Or processions that cannot march, for example if it comprises bicycles or wheelchairs.
24	Again, processions that are a crucial part of Edinburgh culture, e.g Beltane and Samhuinn, should be allowed special consideration with its routes.
25	The 6pm curfew is excessive and will damage the city's reputation for culture. It's also an arbitrary time as the curfew in Rose St is 9pm and that is just fine. Also the proposal would disproportionately affect smaller community groups but would leave corporate events largely unaffected, the Council should serve

	<p>local events and efforts rather than giving profit-seeking corporations and businesses yet more support.</p> <p>With regards to High Street restrictions the proposal is abhorrent as the city centre should belong to the public and events that are designed to serve the public. Events such as Samhuinn and the Jazz and Blues Festival that takes place in the city centre are of great cultural importance and bring communities together which is of immense value. It would be incredibly short sighted of the Council to restrict these organisations' abilities to hold public events that make Edinburgh special.</p>
26	<p>I don't want to end up with static celebrations - the flow of the crowds for the pagan festivals such as Beltane or Hogmanay or Fringe events is critical to give life to them. Whilst i would prefer the Orange Marches would disappear with their bigoted and determined antagonistic approach I would rather it still happened so we can swear and laugh at their little bigoted worldviews whilst not denying other groups such as LGBT+ their voice as well.</p>
27	<p>In general, this is well outlined. However, limiting to 6pm (8pm on extension), in particular for annual or weekend events does seem to be a bit too strict as it would be rare that 6pm - 8pm would cause more disruption than during the day.</p> <p>Perhaps a double lock approach could be considered (similar to Croke Park events in Dublin) where an excessive number of events would not be considered.</p> <p>For Example: Standard acceptance would be granted up to 6pm (or 8pm at weekends). Exceptions can be granted up to 10pm where there have been no more than 2 exceptions granted within a rolling 3 month period and assuming that all events creating a disruption for a maximum period of ~30 minutes to any one area.</p> <p>This could allow both tourist events (Such as Samhuinn) or charity events (Such as Night Runs) to continue, but on a limited period.</p>
28	<p>-music curfew. The European Directive on such things says 11pm is the beginning of night which is a sensible hour for no more noise from events in the city centre. So far the city counsel has taken the EU standard on board.</p>
29	<p>No music after 6pm? We have got to embrace culture and being outdoors. With more and more people living an unhealthy lifestyle anything that encourages people to get out and enjoy out city should be encouraged. Parades and festivals are what make this city special, don't ruin it by making stupid rules.</p>

30	<p>Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.</p>
31	<p>This is very prescriptive and favours tourists over locals, which is a shame since there is no reason both groups can't be equally represented. Part of the appeal of the city to tourists is the celebrations and lively atmosphere. The organic culture of the city and its heritage is being diminished by these policies. Music should be allowed later - this is a city! It should be vibrant! Peaceful protest and processions are fundamental civil rights and should be respected as well. Control of this sort from the top-down sanitises and diminishes the meaning of events for people. It will not have an effective impact on the city both economically and in terms of image and reputation. Don't turn a Edinburgh into every place else....</p>
32	<p>This isn't good. The stipulations given seem to restrict all parades to being a certain type, i.e. 4 by 4 political processions such as the Orange Order march.</p> <p>Edinburgh is a city of the Arts, and it states earlier in the documentation that these regulations are supposed to allow artistic expression. The insistence on all processions following a standard regimented 4 by 4 (to 6 by 6) fashion would essentially remove most of that potential. It seems to me an unnecessary, and rather pedantic stipulation which could easily be replaced with rules about the maximum width and length of any procession. This simple change would allow for a much wider variety, whilst causing no additional disruption.</p> <p>I also think it needs to be much clearer what the requirement is to allow noise later than 6pm, and the latest allowed time for music needs to be later (possibly with a stipulation of agreement with local residents?). Parades are important, noisy, vital cultural events, and expecting them to be quiet is unreasonable. An expectation that all such noisy parades should be before 6pm also isn't reasonable, as many are tied to dates in the calendar or certain weekdays, (e.g. Mardi Gras), and most people don't have the privilege of being able to get to such an event before 6, as they'll be working.</p>
33	<p>The phrase "as little negative impart as possible" reads as if a proposal could be rejected if the negative impart is too high. I hope the intention is that a given</p>

proposed procession should aim to minimise the negative impact it causes. The positive impacts of the procession should also be considered.

Regarding use of city centre spaces, and the High Street in particular:

Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity.

Established community activity areas ('event spaces') should be protected and retained for continued use by the community - not only corporate or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.

Given the 12-week timescale and the number of processions, it seems likely that some processional organisers will become unavailable at some point during the process, eg due to accident or illness. There should be some mechanism for transferring organisational control to another person acceptable to the council and organising body in this case.

The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfil prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of 2 weeks, would seem suitable, and be much more achievable for community groups and organisations.

The noise curfew of 6-8PM is a very significant change in policy. The Samhuinn Fire Festival is a 20-year old cultural event drawing tourists to the city; it takes place in the dark, both for practical reasons (as a fire festival) and reasons of Scottish tradition (the Celtic day began at dusk). It would not be possible to conduct this event with drumming during this timescale. Previous

curfews have typically been 1-2AM; this seems to me to be more in line with pub/club closing times of 2-3AM. I think most people would expect the curfew to be later at weekends and public holidays than during the working week.

There seems to be no evidence basis that I can find for a 6PM curfew; according to the Council's own Noise and Vibration report, less than a third of people hearing any noise from entertainment sources and only 1% of people possibly being moderately, very, or extremely disturbed by such noise; noise from processions is not even mentioned specifically. As most processions take place during the day, this rule change will have little impact.

It is also inconsistent with European Noise Directive Annex 1, which provides a definition of the various time periods to be considered in relation to noise levels. It states that: "the start of the day (and consequently the start of the evening and the start of the night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time". The Council report on Noise and Vibration states that the Council has retained the times in line with European standards, defining the end of daytime hours as 7pm. It should also be noted that other sources of noise from entertainment and leisure are not restricted to the same curfew. The noise curfew should be between 11pm to 7am to be in line with recognised night-time hours limitations and the requirements placed on other similar sources noise.

Avoiding residential areas in the centre of Edinburgh is very difficult; most commercial and industrial areas are on the outskirts of the city and most of the city centre is habitated.

The fixed ratio of 1 steward per 10 participants seems at odds with the start of this section, which suggests more stewards are needed if there is likely to be a younger audience. Is this an average or a baseline figure?

The number of 4-6 people in a procession seems to take no account of the available road space. Some roads in Edinburgh do not have enough space for 4 people to stand abreast, and it may be necessary to use such routes to avoid residential areas. Some spaces may comfortably allow more than 6 abreast, especially if a procession passes through a public park. How do floats fit in? What about performances within the procession where people move around (I've seen processions where some performers were acrobats, and moved from two abreast to standing on each other's shoulders while moving)? Does this formation include stewards and police?

Keeping to the side of the street seems to belittle a procession unnecessarily. If a road is closed, in my experience processions tend to gravitate to the middle

	<p>of the closed space; not only does this maximise the visual impact of the procession, but it also maximises pedestrian traffic flow on either side.</p> <p>It is unclear when a procession must split into sections, what permissible sizes these sections must be or how many are required within a procession.</p> <p>Carrying of weapons. Can this be clarified with regard to ceremonial weapons, and costume weaponry?</p> <p>3.9: Again, the "appropriate circumstances" are not described.</p> <p>3.10: A useful list, but it does not describe the requirements for organisers.</p> <p>Cost recovery: when and how much must be very clear prior to the application process, as it affects the feasibility of a procession.</p>
34	<p>Can honestly not put it better than this on behalf of Samhuinn:</p> <p>Banning procession-related music after 6pm in the city's core spaces for community processions is disproportionate. The proposals do not fit with existing designations and regulations and appear arbitrary. In addition, if rolled out they would mean the end of Samhuinn, a 20- year institution in the heart of our city that is an expression of our cultural heritage; a free event for the people of Edinburgh that is attended by thousands and runs without hitch, including with minimal complaints from the community and residents. Imposing a 6pm curfew on procession-related music is disproportionate to the inconvenience caused to others in comparison to the benefits that such events bring. According to a report produced by Edinburgh City Council (Noise and Vibration - Edinburgh Council), the most common sources of audible noise are road traffic, air traffic and neighbours, with domestic noise alone constituting the majority of noise-related complaints (domestic music 65%, other domestic noise 8%). Noise from entertainment or leisure is comparatively low, with reportedly less than a third of people hearing any noise from entertainment sources and only 1% of people possibly being moderately, very, or extremely disturbed by such noise. Of the typical sources of noise disturbances highlighted in section 30.17 of the report, noise from processions is not mentioned and therefore we would suggest is not a major source of entertainment-related noise. Considering this, it is likely that the majority of noise audible from entertainment or leisure sources relate to static entertainment venues. It is also worth noting that the majority of processions already take place during the day, with minimal disturbance caused by later processions. This makes the 6pm curfew on procession-derived noise unnecessary and ineffectual in addressing the major sources of noise disturbance issues. In addition, the Noise and Vibration - Edinburgh Council</p>

	<p>report specifically notes that “the city’s very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy”. Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh’s status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity. European Noise Directive Annex 1 provides a definition of the various time periods to be considered in relation to noise levels. It states the following: “the start of the day (and consequently the start of the evening and the start of the night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time”. From the Council report Noise and Vibration - Edinburgh Council that the Council has retained the times in line with European standards, defining the end of daytime hours as 7pm. It should also be noted that other sources of noise from entertainment and leisure are not restricted to the same curfew. As such, the restriction of procession-related noise from 6pm is disproportionate and not in line with other policies and legislation. We would propose that, due to the infrequent nature of evening processions, restrictions instead be put in place from 11pm to 7am, bringing the policy in line with recognised night-time hours limitations and the requirements placed on other similar sources noise.</p>
35	<p>It is outrageous that the High Street be made out of bounds. I don't get it. Do people complain when the Festival is on? In which case are you going to stop the festival taking place in the High street? What about when the Queen visits or there is a Royal wedding? This is nonsense.</p>
36	<p>The ratio of marshals to participants seems too restrictive, 15 or 20 participants to marshals seems more appropriate.</p> <p>The explicit mention of a snare drum seems overly specific. Not all processions would have one. Perhaps just drum or similar instrument.</p> <p>The constraint on 4-6 person wide processions seems overly restrictive. If this is an attempt to ensure that the procession is compact then that or any other aim should be explicitly stated. There should be explicit provision for parts of the procession with significance to deviate from these rules. By placing a strict requirement on width it would seem to favour those groups who march in formation and are highly organised. For more fluid public participation events the rules seem difficult to follow.</p> <p>The restrictions on music seem overly restrictive. Some events have intrinsic requirements for music outside the hours mentioned. I feel that the restrictions should be related to at least 8pm as standard given that residential areas are</p>

	discouraged. It should also state that noise outside those times stated are not prohibited but will have to be discussed. The council can ration the number of events with noise at unusual times and should favour events who have music ad an integral part of the procession.
37	Put the policy above the question - I can't remember everything !!!!!
38	The High Street is special BECAUSE it is the High Street, the living heart of our city where parades and marches happen, not a souless unroofed mall or ye olde historic backdrop for wedding photos. Part of the price of being in the prime location on the High Street is putting up with parades.
39	I think this is entirely unfair. No music after 6pm? What kind of rule is that? That severely restricts the activities of parades and processions. What about Hogmanay?! What about Samhuinn? These are deeply entrenched in Scottish history and are enjoyable events that are meaningful and important to those who celebrate them. Imposing a "no music after 6pm" rule would be outrageous and unfair.
40	The Noise and Vibration - Edinburgh Council report specifically notes that “the city’s very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy”. Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh’s status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity.
41	The definition of special circumstances i is unclear and open to abuse and possible corruption. The general ban on evening music impacts heavily on cultural processions. This will reduce Edinburgh's ability to be a festival city.
42	The time constraints on music use are far too draconian. There are several regular parade events and festival activities that would be seriously damaged and that would have far worse effects on tourism than a couple of people having their wedding disturbed because they couldn't be bothered doing a little research.
43	Limiting the width of the procession would be difficult to maintain and impractical for large groups of people. Music should be allowed for events after 8pm. Events such as samhuinn would not be able to run otherwise. Ensuring dispersion and updating all participants of the route/other info will be very difficult for larger processions. Some people may join during the

	<p>procession and not be aware of this information. People should be allowed to gather in large groups to promote a message and listen to others.</p> <p>It may be difficult to have enough stewards in proportion to the size of the procession, encourage self-stewarding from participants. Additionally it is a lot of responsibility on the organiser to prevent inebriated people participating, especially if they join the march en route.</p> <p>Any costs should be notified in advance. The organisers should not be stung with an unexpected bill following the event.</p>
44	<p>I would specifically like to object the the following provisions which will severely impact the annual Samhuinn festival procession on the 30th of October each year:</p> <p>Prohibition of music after 6pm unless by special arrangement and total prohibition after 8am.</p> <p>This would make the Samhuinn festival totally untenable as music is at the core of the event and it occurs after 8pm. The event could not occur without music. I propose that a provision is made to allow for unamplified music by special request in circumstances where music is integral to the event, where the event could not occur otherwise, and where the event has a long history in the city with strong positive community links.</p> <p>Another stipulation refers to walking no less than four abreast and no more than six abreast. Due to the ritual performance nature of this street theatre event there are a number of core participants who, due to their roles in the event, need to walk alone or in configurations that are less than two abreast. Enforcing the rule as it stands would alter the fundamental nature of the performance and make the entire event untenable.</p> <p>A final point that I would like to draw attention to is the prohibition of weapons. Due to the theatrical nature of the Samhuin event, a number of participants carry stage prop weapons. The event is based upon the old Galoshin play of Scottish tradition and an acted 'battle' is a core part of proceedings. The rule is clearly written to prevent people from carrying weapons that could be used for violent intent, such as at protests or rallies. There needs to be recognition of theatrical events and a provision that allows stage prop weapons to be carried by participants in circumstances where it is clear that said items will only be used for specific theatrical activities. This may possibly done by notifying Council of intended props and their use prior to an event.</p>
45	<p>6 abreast is ridiculously tiny and furthermore unemforcable by any steward or organiser. This is the crushing of expression by beurcracy. Encoraging static</p>

	<p>events will be costly. Only well funded and staffed organisations will have the resources. Grass roots events such as POP will be penalised.</p>
46	<p>I disagree with the following elements of your proposal:</p> <ul style="list-style-type: none"> - Notice period should be 7 days not 28 days - Music should be allowed at events up to 9pm - The council should take into account the number of years that the event has been taking place at the same time as considerations on impact on resources, residents and businesses - Procession formations remain flexible according to the nature and timing of the event, rather than set in stone at 4-6 abreast. A much wider formation would be possible on most of the Royal Mile without endangering public safety.
47	<p>The Noise and Vibration - Edinburgh Council report specifically notes that “the city’s very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy”. Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh’s status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity.</p>
48	<p>Your section on music needs to allow for night time processions like Samhuin, Samhuin goes on past 6pm and past 8pm and involves lots of drumming. It is a key part of Edinburghs calendar, bringing in thousands of spectators.</p>
49	<p>Your section on music needs to allow for night time processions like Samhuin, goes on past 6pm and past 8pm and involves lots of drumming. It is a key part of Edinburghs calendar, bringing in thousands of spectators.</p>
50	<p>Edinburgh is a tourist city, as your own report says “the city’s very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy”. All residents benefit directly or indirectly from this, so a certain amount of music and entertainment should be a welcome sign to most that the local economy is doing well. 6PM and 8PM deadlines are very inappropriate and will pretty much destroy the Samhain festival in particular.</p> <p>You don't appear to want to apply the same curfews to other sources of music and entertainment.</p> <p>The marching formation requirement is a little odd and very prescriptive. It appears to have some strange idea that everyone should march in military</p>

	formation, not dance or move in groups. Street surroundings, floats, puppetry or clowning, stewards, public participation, etc etc...
51	<p>* Banning music after 6pm seems to be entirely disproportionate to the scale of noise-related problems that those in Edinburgh face. If this were to go ahead, the Beltane Fire Society's Samhuinn Festival would cease to be able to exist. The festival is a major attraction to the city, a free event which runs without major hitch and has done so for over 20 years.</p> <p>* Evening processions in the city are incredibly rare, and asking for a 6pm curfew disproportionately disadvantages those who stage, attend and benefit from them.</p> <p>* Community event spaces within the city - of which the High Street is one - must be protected. A city is not a city without a cultural life, and community event spaces are required for that to continue. A city's cultural life is not simply that which is defined by corporate or state bodies.</p> <p>* The marching formation suggestions are, quite frankly, bizarre. They look to be designed to allow only a ridiculously narrow definition of a procession, one based solely around marching, and does not take into account dramatic or stylistic matters - such as large scale puppets, floats, or non-marching performance groups.</p> <p>* The policy must be more clear about the circumstances under which cost recovery measures would be implemented.</p>
52	<p>I understand this - but entirely disagree with it. Especially in not highly residential areas, like the Royal Mile.</p> <p>The reason I am writing specifically, is the Beltane event on Halloween, Samhuinn. My family has always enjoyed watching this event. It's one of the spectacular, free events which make living in a city like Edinburgh worthwhile. Samhuinn is a cultural icon of Edinburgh and should be allowed to continue occurring at night. It has brought the city good publicity, and ties us back to our rich cultural heritage - two things the council should want to protect. For good publicity, note articles such as this: http://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-29847628</p>
53	<p>It seems that most consideration from the Council is in favour of commercial and businesses interests. This is only because of their more efficient lobbying of the Council and not because citizens see things in the same light as they do. I think the Council needs to bear this in mind when making its decisions.</p>

	<p>The decision to have no music after 6pm and no drums is shooting yourselves in the foot. If that is to be the rule then the Edinburgh Tattoo ought to be banned also as I am sure people not at that event can hear it and might be offended by the sound of drums! The trams were an expensive mistake that cost Edinburgh citizens dear - now those who benefit from the trams (ie the business and commerce) want to make Edinburgh less open to events important to ordinary citizens such as the Samhuinn Fire Festival which is a free event. I think Business and Commerce also benefit from locals and visitors attracted to Edinburgh for this event.</p>
54	<p>again, please leave well alone - Edinburgh Council has done horrendous damage to Edinburgh over the last 20 odd years - until a viable and competent form of local government is introduced, better to do nothing than cause more harm to the city and its residents</p>
55	<p>As a resident, the August Festivals are much more of a disruption than any parades or protests that occur. Putting the desires of businesses and the tourist industry ahead of the public's right to protest should never be acceptable. While I understand that parades will still be able to go ahead, a 12 week notification period rather than a 1 week notification period is unworkable. Events have to be able to be organised rapidly to be effective and make the most of the momentum engendered by certain decisions, for example the marches earlier in this year [2017] against President Trump and his so-called Muslim Ban.</p>
56	<p>I disagree with the restrictions on formations too severe!</p> <p>High street and city center parades are important for a democratic right and freedom of expression.</p>
57	<p>This policy would shut down wonderful traditions that make Edinburgh a city worth living in. If you live in the centre of town then you expect the occasional procession or event, living in the centre is a choice made in the full and frank knowledge of what it entails. The economic impact of our vibrant tradition of street theatre, protests and marches is surely minimal and the impact on tourism can only be positive.</p> <p>Shifting to a model of static events would exclude all but the richest corporate sponsors from holding events. It would be a terrible shame if we sold even more of our culture away.</p> <p>In short, the proposed changes would be terrible for the rich culture and public life enjoyed by the citizens of Edinburgh.</p>
58	<p>Our city centre is the heart of the capital; to effectively exclude processions</p>

	<p>from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity.</p> <p>Established community activity areas ('event spaces') should be protected and retained for continued use by the community -not only corporate or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.</p>
59	<p>If the 6pm curfew was applied it would impact on the Samhuinn Festival which is attended by thousands of people. This festival is a tourist attraction which highlights the cultural aspects of Edinburgh.</p> <p>It is important to recognise that the public and residents should be able to go about their daily lives, however it is also important to recognise that there would be minimal disruption with the inclusion of trained professionals, such as the presence of fire trained individuals where appropriate, presence of first aiders, appropriate stewarding, liaising with organisations such as the police and also ways to notify the community in advance.</p>
60	<p>This is rubbish.</p>
61	<p>Regarding music curfew of 6pm (section 3.2): Banning procession-related music after 6pm in the city's core spaces for community processions is disproportionate. The proposals do not fit with existing designations and regulations and appear arbitrary. In addition, if rolled out they would mean the end of Samhuinn, a 20-year institution in the heart of our city that is an expression of our cultural heritage; a free event for the people of Edinburgh that is attended by thousands and runs without hitch, including with minimal complaints from the community and residents.</p>
62	<p>I am unsure why a 6pm music curfew is required, 10pm seems more reasonable time to reduce disturbing nearby residents. Music is important for various events and it seems unreasonable to place such a limitation. I would rather the focus be on reducing traffic in the city centre and safe areas for cycling and walking. That would enhance my quality of life a lot more than restricting music for valid cultural events. Princes street is our main street and that of our capital city. Therefore people have the right to march, protest and hold other events in the surrounding areas, in ways that are relevant to the</p>

	<p>event such as acting, alternative ways of moving in the space to accommodate dancing for example. Too many restrictions on this and things will be reduced to people walking in single file, where would the expression of freedom be in that?</p>
63	<p>No music after 6pm is ridiculous.</p> <p>The tourists and the industry that benefit from their business come to Edinburgh to see a living city, where they can see citizens celebrate and demonstrate</p> <p>It is not for you to decide or control the nature of these perfectly legitimate activities. It is your job to facilitate them</p>
64	<p>I note that your section on the use of the High Street notes that " Parades using this route have disrupted tourist and business activity in that area" !!</p> <p>No mention WHATSOEVER of the residents!!</p> <p>This just about sums up how those of us who actually live here and pay our council tax feel about how the Council regards us.</p>
65	<p>Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity. Established community activity areas ('event spaces') should be protected and retained for continued use by the community - not only corporate or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.</p>
66	<p>While it is clear it doesn't give any leeway to processions that are artist, and have been going on in very unchanged formula for 15 years with no problem. To punish a society that is so important to our city without reason by not allowing them to continue a tradition is ridiculous.</p>
67	<p>The High Street is ideal for this kind of thing and I don't think weddings should take precedence over the needs of the many.</p>
68	<p>Procession-related music is at the heart of many of these events and banning it would in essence destroy the appeal. It's unnecessary and the impact is</p>

	<p>fleeting.</p> <p>You may as well ask Hibs/Hearts fans not to sing when going to a mid-week game.</p> <p>In addition, the Noise and Vibration - Edinburgh Council report specifically notes that “the city’s very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy”. Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh’s status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity</p>
69	<p>Section 3.2 Proposes banning music after 20h00. Edinburgh is the national capital, not a dormitory town. There are occasions where music at night is culturally appropriate and indeed fantastic. Particularly drumming. A blanket ban is not appropriate.</p> <p>Section 3.3 Proposes processing 4 to 6 abreast. For Pedal on Parliament this is impossible. Participants are mostly on bicycles and space themselves according to speed and road conditions.</p> <p>Prioritises 'traffic' and seeks to avoid its 'dislocation'. Citizens having access to and using motor cars in the centre of our city have no more rights than anyone else. Pedal on Parliament seeks in some regards to disrupt normal traffic flows for a few minutes precisely to show how inefficient and harmful they are.</p> <p>Proposes one marshal for ten participants. Pedal on Parliament has had twenty marshals for four thousand participants with no trouble at all. This rule is absurd.</p> <p>Section 3.4 Proposes avoiding the High Street. This street is ours. It does not belong to the traders located there. It is the center of our city and just the right place for a procession to be seen. Traders gain by the people drawn to that street, but they have no right to treat the area as a private shopping center. None at all.</p> <p>Section 3.6 Proposes that organisers exclude those having taken drugs. How are we to identify these people exactly?</p>

	<p>Proposes that organisers are responsible for the behaviour of all participants. Responsible how exactly? Legally? Are organisers to be subject to criminal sanction for the actions of others? Some kind of vicarious liability? Details please.</p> <p>Section 3.9 Parades and processions are the right of citizens. It isn't up to you to tell us how to protest.</p> <p>Section 3.11 Places of worship should have no particular status. Any deity offended by a human procession isn't worthy of the name. Any religious human offended by a procession should have no rights not equally attributed to non-religious human beings.</p>
70	<p>There will be cases for music after 6pm that will be reasonable. It should not be a blanket ban. 6-9pm is not late and each case should be considered on its merits.</p> <p>1 steward per 10 participants is far too high. There have been many successful marches that have fewer.</p> <p>The traffic and pedestrian flow aspects are too restrictive and could lead to unreasonable bans. The importance of public processions as part of our political, social and cultural life is much greater than maintainign traffic flow at all times.</p> <p>It is unreasonable to restrict access to the High Street. A traditional and important meeting place with great significance. As citizens we should have the right to occasionally process down that street.</p> <p>The limits on how processions should take place are unreasonable. Once again processions are an important part of our social, political and cultural life and how they proceed should be up to the organisers within national law.</p> <p>The restrictions near places of worship are unreasonable, given the number of such places on routes and given the very limited representation many such places hold. Why should the majority of those who do not believe in a particular religion be limited in this way?</p> <p>Altogether, these attempts at limiting processions are an evident attempt to restrict legitimate actions that contribute to the life of our society. The current arrangements work fine.</p>
71	the interests of the tram company and the numerous tourist trap stores along

	Princes Street should take second place to the primary needs of the citizens of the city! participating together for whatever cause or celebration on the high street is an historic and important part of our cultural identity, indeed it is partly what defines Edinburgh(!)
72	Edinburgh prides itself on being a cultural hub of creativity and artistic expression. If this policy and code of conduct is implemented, it will seriously harm the city's reputation. I am a member of the Beltane Fire Society and the Samhuinn Festival is the highlight of my year. It's an ancient Celtic tradition to celebrate the seasons in this way and to celebrate community through such rituals and festivals. It is a fire festival - it needs to happen at night. A Samhuinn Festival without drums after 6pm is like having a music festival with no music. To say such a festival hinders the life of the community misses the point entirely. We are the community! I understand that the residents along the High Street might be disturbed by the drumming, even if it is just for the very occasional night. But what about the hundreds of people who dedicate their lives for those months leading up the festival, putting everything they have into the preparation as well as the performance itself? What about the thousands of people who look forward to witnessing it every year? It's the year of History, Heritage and Archeology. How can Edinburgh seriously claim to celebrate this if it actively hinders the groups of people, the communities that carry on these traditions and celebrations? We bring people together. We proudly show off Scotland's cultural heritage and invite the community to get involved every year. We share skills, provide not only a completely a free performance to the community but provide completely free training and workshops in a wide range of things to anyone who wants to get involved. Moreover, ask anyone who has been involved in the festival - it provides an unbelievable amount of meaning to people's lives. If this policy is implemented, Edinburgh cannot claim to preserve the right to freedom of peaceful assembly or freedom of expression for its citizens.
73	The High Street is the perfect place for holding processions, particularly in the absence of Princes Street. It should continue to be used for this. Local business 'doth protest too much': if processions are required to stay in the carriageway, then they cause no more disruption to pedestrian traffic past shops than vehicle traffic. Processions are part of the colour and character of city life, and should not be banished from the city centre.
74	I Understand that certain processions do cause some disruption but I cannot see how for example the fire festival on 31st October can have a negative impact on tourism.in fact many tourist come ti see it. Imposing these additional restrictions will to such an event would be a tragedy when there are very few events where pagans can openly share and express themselves as well as show others the truths about the old religion.

	I do agree that it should be expected that those taking part should be considerate and responsible .
75	This is a bizarre series of rules that seems set up to frustrate the organisation of peaceful marching...
76	It's mentioned that research will happen to check that the participants have been involved in anti-social behaviour etc. I'd like to see this extended to organisations that are linked to the organisation making the request.
77	Notification of residents of marches and parades and likelyt disruption needs to be clearer.
78	However there needs must be the ability for smaller agencies to be able to gather and march. This is especially so for smaller community groups who may not be excluded by the CEC policies and porcedures. Again the ECHR must be the foundation and enabling document.
79	Not allowing music after 8pm will be a disaster for things like Beltane which have become a very important part of the city's cultural life. Beltane without drums might as well not happen. Surely the council can allow for differences in approach to something like this and to a protest march which has no need to continue into the evening.
80	<p>The restriction on music at certain times, and the strict requirements for formation of processions, both seem unduly restrictive and arbitrary. These rules seem orientated around processions as a form of public demonstration (political or group related), and exclude the the understanding of processions as form of entertainment and engagement.</p> <p>In the particular case of BFS's Samuhin procession, these rules would effectively exclude any possibility to run the event, since it has to take place in the hours of darkness, and composed of free-form performers with potential for puppets, interactions with the audience, and circus disciplines such as stilt walking, juggling and more. None of this is remotely compatible with the notion of people walking in some strictly regimented group.</p> <p>In general these rules seem to over-state the concerns of local residents, who cannot feasibly claim to have purchased a property in the centre of the city, in anything other than complete awareness of its use for internationally recognised street performance and events. They have a right to peaceful enjoyment of their homes but the noise of most processions is dwarfed by (for example) the Tattoo fireworks, overflights by the RAF accompanying the Tattoo, or indeed most emergency vehicles.</p>
81	It would be patently ridiculous to apportion responsibility on participants or stewards/marshals in regard to these events in the way that is currently being

	<p>proposed, for example if the cavalcade procession or any gala, military parade or royal visit event was unfortunate enough to be subject of protest or poor behaviours by non participants, how on earth can these persons be held responsible?</p> <p>In any meeting with the procession organiser this area would require full explanation and agreement prior to the event, no grey areas.</p>
82	<p>Restrictions on playing of music before 8.30 or 9 am in many cases may be impractical and unreasonable. No such restrictions apply to constructions works which are far more likely to disturb those in residential areas and last for days/weeks.</p> <p>A parade generally passes very quickly and infrequently.</p> <p>And if TTROs are required, there should be no cost to the organiser.</p>
83	<p>It is deeply unsatisfactory that you feel the need to micro manage to extent of stating "Ensure that all participants in a procession will march in a formation of not more than six and not less than four abreast". This is unreasonable, impractical on many of Edinburgh's streets, ageist and ableist. Are people in wheelchairs to keep to this formulation as well? And if they cannot, or cannot keep up with the other people in their "formation", does this then remove their European treaty rights? Parades such as Pride marches, which take place to demonstrate that minority groups are and should be welcome in our society, should continue to be allowed to march down the High Street. If you force them to avoid the centre of town then you prevent the very meaning of the procession and undermine its positive effects. It is a very slippery slope to start charging parade "organisers", unless these are for-profit corporations. If you force this issue you undermine our democracy and unconstitutionally remove our rights. There are better ways to raise money for the council - what about a congestion charge for single occupant car drivers?? Certain kinds of music/sound should be permitted after 6pm, e.g. Samhuinn should be allowed to take place as usual without interference. Tourists flock to such events and since it is only once a year, and a one of a kind, it should be preserved. Will you be insisting that the Tattoo stop inviting loud pop acts to play at the Castle? It is not clear what question 11 asks for. Are we saying yes we think High Street should be used, or yes we think it should only be used in very special circumstances? (I think it should be used relevant political/ civic parades).</p>
84	<p>These questions seem intentionally misleading. Do I agree that the document outlines it's proposed legal responsibilities? Yes, but I disagree with the implementation of of the restrictions. Unnecessary noise restrictions and prescribed marching styles threaten to impinge on existing parades that largely</p>

	<p>proceed with little complaint or negative impact on the city centre. While I appreciate the council is skint, apparent provision for the council to bill organisers 'to recoup costs', in effect payment of an undisclosed sum threatens to price people off the streets, and to all intents and purposes undermines legitimate protest as well as cultural events. Participants are already subject to law, meaning these proposals seem unnecessary and draconian, leaving far too much up to the council's discretion.</p>
85	<p>Regarding prescribed marching formation (no less than four side by side, and no more than six): This does not take into account the various forms which a procession can take (i.e. it assumes marching and doesn't allow for other styles of performing or when floats, puppets or other larger decorative items are included in the formation). It also fails to take into account street surroundings, unplanned participation of the public or whether this formation includes individuals such as stewards, police, etc</p> <ul style="list-style-type: none"> • Regarding use of city centre spaces, and the High Street in particular: Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity. Established community activity areas ('event spaces') should be protected and retained for continued use by the community - not only corporate or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.
86	<p>It's absolutely disproportionate and unnecessary to ban procession related music after 6pm.</p> <p>Such a move is a clear threat to the cultural life of the city.</p> <p>Regarding music curfew of 6pm (section 3.2): Banning procession-related music after 6pm in the city's core spaces for community processions is disproportionate. The proposals do not fit with existing designations and regulations and appear arbitrary. In addition, if rolled out they would mean the end of Samhuinn, a 20- year institution in the heart of our city that is an expression of our cultural heritage; a free event for the people of Edinburgh that is attended by thousands and runs without hitch, including with minimal complaints from the community and residents.</p>

Imposing a 6pm curfew on procession-related music is disproportionate to the inconvenience caused to others in comparison to the benefits that such events bring. According to a report produced by Edinburgh City Council (Noise and Vibration - Edinburgh Council), the most common sources of audible noise are road traffic, air traffic and neighbours, with domestic noise alone constituting the majority of noise-related complaints (domestic music 65%, other domestic noise 8%). Noise from entertainment or leisure is comparatively low, with reportedly less than a third of people hearing any noise from entertainment sources and only 1% of people possibly being moderately, very, or extremely disturbed by such noise. Of the typical sources of noise disturbances highlighted in section 30.17 of the report, noise from processions is not mentioned and therefore we would suggest is not a major source of entertainment-related noise. Considering this, it is likely that the majority of noise audible from entertainment or leisure sources relate to static entertainment venues. It is also worth noting that the majority of processions already take place during the day, with minimal disturbance caused by later processions. This makes the 6pm curfew on procession-derived noise unnecessary and ineffectual in addressing the major sources of noise disturbance issues.

In addition, the Noise and Vibration - Edinburgh Council report specifically notes that “the city’s very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy”. Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh’s status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity.

European Noise Directive Annex 1 provides a definition of the various time periods to be considered in relation to noise levels. It states the following: “the start of the day (and consequently the start of the evening and the start of the night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time”. From the Council report Noise and Vibration - Edinburgh Council that the Council has retained the times in line with European standards, defining the end of daytime hours as 7pm. It should also be noted that other sources of noise from entertainment and leisure are not restricted to the same curfew. As such, the restriction of procession-related noise from 6pm is disproportionate and not in line with other policies and legislation. We would propose that, due to the infrequent nature of evening processions, restrictions instead be put in place from 11pm to 7am, bringing the policy in line with recognised night-time hours limitations and the

requirements placed on other similar sources noise.

- Regarding use of city centre spaces, and the High Street in particular: Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity. Established community activity areas ('event spaces') should be protected and retained for continued use by the community - not only corporate or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.

- Regarding the suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO): as set out above in answer 9, this change would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise.

The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.

- Regarding prescribed marching formation (no less than four side by side, and no more than six): This does not take into account the various forms which a procession can take (i.e. it assumes marching and doesn't allow for other styles of performing or when floats, puppets or other larger decorative items are included in the formation). It also fails to take into account street surroundings, unplanned participation of the public or whether this formation includes individuals such as stewards, police, etc.

	<ul style="list-style-type: none"> • Regarding section 3.7 on cost recovery: the policy should include a clear set of criteria specifying the circumstances under which a procession would be subject to cost recovery. Charges/levies must be implemented in such a way that would act as a prohibitive measure against people exercising their right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights. Without clear criteria and specific amounts, this is a clear risk.
87	<p>Disruption to tourist and business activities should be considered for daytime processions, but should not be a consideration for evening processions (after close of the business day).</p> <p>Restriction on music in the evening will unacceptably change the entire ethos and atmosphere of some events.</p> <p>I would like to see a distinction made between recorded and amplified music, and live music, particularly acoustic music. Having heard recorded, amplified music at several of these, it has been far, far more disruptive than live acoustic music (pipes, drums etc) which is of far more cultural value.</p> <p>Restrictions of the formations of procession are likely to be unworkable for things like protests. Additionally, those given here are probably too specific and restrictive for processions such as marching bands, Samhuinn and the Up-Hellya procession etc where artistic and performance considerations must be accounted for. For example, acrobats in the Samhuinn procession. Flexibility must be retained. It's entirely reasonable, however, to restrict procession formation and activities at particular points in the route, eg. for space restrictions etc.</p>
88	<p>The comment that parades using the High Street have disrupted tourist and business activity completely omits to mention the disruption caused to residents. Mention is made too that processions where practical will avoid residential areas. Why is not more concern expressed about the impact of parades on the lives of Old Town residents? The High Street is like a funnel where noise etc is exacerbated by the narrowness of the street and the height of the buildings.</p>
89	<p>The timing of music being played will impact events such as beltane disproportionately. It is very restrictive especially in this case where it is important to the atmosphere that the procession takes place after dark. It is also unfair when events such at the military tattoo will not be subject to the same restrictions when they are so loud they disrupt residents in a much larger area and on more than one evening.</p>
90	<p>Events such as those provided by the Beltane Fire Society are recognised as</p>

	<p>major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh's status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity. There obviously needs to be checks in place so that every night doesn't have an event, however, large events which are well established should have preferential treatment, and not just military events either!</p> <p>Views on timescales for notifications were mentioned in my earlier response</p>
91	<p>Restrictions on playing music after 6pm (8pm at special discretion) will essentially ban cultural events such as the Samhuinn Fire Festival. I find this to be an unacceptable imposition that disproportionately favours the interests of businesses and residents in the city centre over the city as a whole.</p> <p>I feel it worth noting at this point that while there may be an increased pressure at this point in time, processions and demonstrations have always taken place in the city centre and are indeed a significant part of what makes the area such a vibrant and attractive place to live and do business. To restrict such activities based on the concerns of those who directly benefit from the desirability of the area strikes me as hypocritical.</p>
92	<p>Having lived in city centre flats in the past I would say the largest noise makers are permanent venues that appear to have a music licence to 4am or thereabouts. This is far more disruptive to local residents than a say 3 hour procession with music that is due to end at 9pm. I would therefore suggest that what you are asking of processions is disproportionate compared to the leniency of other licenses . it seems a little over the top to ask processions to pass quietly past religious venues particularly when it seems from what I have read, priorities will be given to weddings happening in venues on the High Street. Anyone who wants to get married on the busiest and most popular street in Scotland is going to have to expect that there will be other things happening on the High Street. In particular for instance busking, which has not been discussed here. Do they need to apply for a specific time slot if they want to play guitar on a street corner after 6pm? Or during day time hours when a wedding may be taking place? I think a very popular wedding picture is with a bagpiper.</p> <p>From the Council report Noise and Vibration - Edinburgh Council, that the Council has retained the times in line with European standards, defining the end of daytime hours as 7pm. It should also be noted that other sources of noise from entertainment and leisure are not restricted to the same curfew. As such, the restriction of procession-related noise from 6pm is disproportionate and not in line with other policies and legislation. I would propose that, due to the infrequent nature of evening processions, restrictions instead be put in</p>

	<p>place from 11pm to 7am, bringing the policy in line with recognised night-time hours limitations and the requirements placed on other similar sources noise.</p> <p>Furthermore, having taking part in cultural and arts processions, it is impossible to "march" in rows of either 4, 5 or 6. Firstly, marching excludes any kind of festival that doesn't contain any traditional marching. The fesitval I have taken part in has performers sometimes just two abreast in large costumes, and at other parts of he procession has a helter skelter of artists dancing, doing acrobatics and moving in inconceivable ways that are neither marching or walking, and sometimes these are about 10-12 people abreast. Also, from what I have seen of protest "marches" when the streets are crowded with poeople I do not see them walking between 4 and 6 abreast. I feel this would just be an excuse to to not allow for future protests if organisers arent able to control particpants to walk in these sorts of ranked systems. If I have misunderstood what is being said here, than I would suggest that this is not clearly explained.</p> <p>It is not clear what the associated cost would be, and this cost should not be to the detriment to smaller and free events, which may not be able to raise the required funds.</p> <ul style="list-style-type: none"> • Regarding the suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO): as set out above in answer 9, this change would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise. <p>The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.</p>
93	<p>-Regarding section 3.7 on cost recovery: this is unclear and I would expect a simple and concise document outlining the costs that a community group could be liable for.</p>

	<p>- The banning of music after 6pm or potentially 8pm seems completely heavy handed</p>
94	<p>"playing of music will not disrupt the life of the local community" - this statement needs to be clarified. A procession is temporary, in that any space that is stationary relative to the procession should only be influenced for a short period of time. Thus, those complaints that arise should be weighed by the duration of the music. I personally don't want to see Edinburgh become a censored city where one is too afraid of those who don't see the bigger picture of the processions - this seems like the opposite of what Edinburgh is, an open liberal space where Scottish and otherwise come together to be better.</p>
95	<p>A music curfew for 6pm is plainly unnecessary. Living in the city centre myself, I am more often, more directly and at later times affected by regular domestic noise, as well as that from other sources, such as sporting events, tourists or for example the Edinburgh Military Tattoo and other Edinburgh Festivals. A curfew of processional music in particular would do very little to effectively reduce harmful or disruptive noise.</p> <p>I am also of the opinion that the vibrant community of Edinburgh is an asset to the city, and having chosen a residence in the city centre in part because of this, I feel that the cultural gain residents in these areas experience should also have weight, not only the possibility of disrupting them. In my experience residents have always responded positively to such events, and to curtail them would be a loss to the city. Edinburgh is known and brands itself as a city of festivals, from the 12 Edinburgh Festivals to community-led events such as organised by the Beltane Fire Society or smaller groups, which are an enormous draw for tourists and constitute an important part of its economy. But especially the smaller events would be hurt by this plan, and they most of all are building communities in Edinburgh itself, not only bringing people into the city; something that the Council should be encouraging as much as possible.</p> <p>I also do not believe that the High Street should be given special consideration, as it is already yearly the traditional central hub for the Edinburgh Festival Fringe, which is generally accepted as an enriching experience, while being much more disruptive than any one or even combined processions. It is also an attraction for tourists, which are generally interested in seeing things happening, rather than a quiet street without life, and as such processions will generally only enhance their experience. Disruption can also be minimised by effective stewarding, presence of relevant and trained personnel and advance notice of a procession, which could be laid out more clearly in these provisions.</p> <p>The rules on prescribed marching formation are also unclear, not stating whether stewards, police or other professionals are included in the count or not. Moreover, the whole idea of prescribing a formation does not take into account different types of processions and performance, or special needs of</p>

	performers.
96	<p>Regarding noise:</p> <p>The creation of a 6pm music curfew would be highly disproportionate to the issue of noise disturbances. I disagree with the premise that processions are a significant part of the city's noise pollution. I would refer to Beltane Fire Society's review of noise disturbance findings in the city (quoted below). Also, as a resident of central Edinburgh for 8 years, I can agree with those findings from personal experience. I've lived on Clerk St, Cadzow PI (which is part of London Rd), Canongate and the High Street, and I've worked for four years at a Nicolson St shopfront. Noise disturbances are a perennial fact of life in the city centre, but that is not because of processions. Despite having lived or worked on most of the popular procession routes at various points, more or less the entirety of my issues with noise have come from traffic, construction work, bars and clubs, and/or private individuals shouting and singing. Compared to these, processions have been an extremely small and totally acceptable presence, and there is not enough justification to impose severe noise restrictions. Moreover, since the vast majority of processions happen during the day, this measure would seem to almost exclusively address Samhuinn festival. Samhuinn is a single annual event, run with a high degree of professionalism and courtesy to the council and to Edinburgh's community, and is an event of great importance to the city (see my final comments). Samhuinn is not deserving of being singled out for measures which would force the festival to leave the city or to be vastly scaled down.</p> <p>(From the BFS statement: "According to a report produced by Edinburgh City Council (Noise and Vibration - Edinburgh Council), the most common sources of audible noise are road traffic, air traffic and neighbours, with domestic noise alone constituting the majority of noise-related complaints (domestic music 65%, other domestic noise 8%). Noise from entertainment or leisure is comparatively low, with reportedly less than a third of people hearing any noise from entertainment sources and only 1% of people possibly being moderately, very, or extremely disturbed by such noise. Of the typical sources of noise disturbances highlighted in section 30.17 of the report, noise from processions is not mentioned and therefore we would suggest is not a major source of entertainment-related noise. Considering this, it is likely that the majority of noise audible from entertainment or leisure sources relate to static entertainment venues. It is also worth noting that the majority of processions already take place during the day, with minimal disturbance caused by later processions. This makes the 6pm curfew on procession-derived noise unnecessary and ineffectual in addressing the major sources of noise disturbance issues.")</p>

	<p>Regarding Marching formation:</p> <p>The proposal to have processions specifically march four to six abreast is simply a non-sequitur given the nature of most processions. For example, protest marches and public parades are formed of a crowd of the general public. Protest marches are a civic right and duty; they are an essential form of public expression and political engagement protected in the ECHR. For them to function, they have to be open to all members of the public to join. There is no way to train public attendees of a political march to march in tight formation, or to then enforce them to do so. This is especially true when considering members of the public with mobility difficulties, who have to be able to set their own pace of travel. People with disabilities are disproportionately likely to be marginalised in society, and their ability to participate in the political process must be protected.</p> <p>The marching formation requirement also does not make sense in the context of Samhuinn, where the broad definition of a 'procession' includes dancing, character performances, and large floats and puppets, as well as establishing the correct safety radius for fire performances.</p> <p>It isn't clear that the marching formation would have any benefit that isn't already achieved by setting reasonable spatial boundaries for a procession, and requiring the adequate stewardship of events.</p>
97	<p>'Ensure all processions revert to not more than six and not less than four abreast formation as soon as practical or appropriate'</p> <p>This is an abilitist comment and assumes everyone can walk and can walk at the same speed. What about people with mobility issues who need more room? What about veterans on armed forces day? What about people in wheelchairs?</p>
98	<p>Regarding the 6 pm music curfew - this seems draconian and unnecessary. Most processions take place during the day, and those that take place in the evening and have music such as the Samhuinn celebrations organised by the Beltane Fire society, have strong cultural reasons for doing so, and would be diminished to the point of utter pointlessness if their timing or conditions were materially altered in this way and these popular events would disappear to the detriment of the city's residents and tourists.</p> <p>Cultural activities such as these enrich our city for its residents and attract tourists with their spending power. For many tourists the idea of being in a city where exciting public events may be held day or night is a major attraction. It would seem far more reasonable to allow the same rules for processions as</p>

are applied to other sources of entertainment and leisure, requiring restrictions to be in place from 11.00 pm. After all, the noise from a procession is by its nature transient in any one spot, while the noise from static venues tends to be of longer duration. It makes no sense to limit the former more strictly than the latter.

Regarding use of city centre spaces, and the High Street in particular: Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity. Established community activity areas ('event spaces') should be protected and retained for continued use by the community not only corporate or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire

-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.

It should be recognised that the long history of Edinburgh city centre as a centre for community activity means that such activity is part of its identity. Businesses set up there in the knowledge that this is the case and tourists wishing to see the city would have an artificial and in many cases poorer experience if the life of its people were kept out of its heart. Temporary inconvenience should in all cases be balanced against the fact that the city centre is for all, that its diversity and vibrancy is one of its greatest characteristics and assets and that businesses choosing to trade there, and indeed couples choosing to marry there, are benefitting from the cultural richness of which the right to use the centre for community purposes is a central part.

Regarding prescribed marching formation (no less than four side by side, and no more than six): This does not take into account the various forms which a procession can take (i.e. it assumes marching and doesn't allow for other styles of performing or when floats, puppets or other larger decorative items are included in the formation). It also fails to take into account street surroundings, unplanned participation of the public or whether this formation includes individuals such as stewards, police, etc.

Regarding section 3.7 on cost recovery: the policy should include a clear set of criteria specifying the circumstances under which a procession would be

	<p>subject to cost recovery. Charges/levies must NOT be implemented in such a way that would act as a prohibitive measure against people exercising their right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights. Without</p> <p>clear criteria and specific amounts, this is a clear risk</p>
99	<p>The general rule of not having music after 1800 and definitely not after 2000 seems restrictive given the city's cultural and musical heritage.</p> <p>The steward/participant ratio also seems restrictive, particularly in terms of public protests - I am sure that it is not always possible to predict the numbers of participants, nor to steward them as for a parade. I would be concerned that this particular clause impacts upon the right to assembly or peacefully protest.</p> <p>Similarly, beginning to define certain streets as being inappropriate for protest strikes me as being the first step to restricting this right to assembly. It could be increasingly extended to make protest invisible and ineffectual by removing it from the public eye.</p> <p>Similarly charging for protests could price mass gatherings out, restricting protests to those that can afford to pay for them, rather than permitting this as appropriate in a liberal democracy.</p> <p>It may be that parades can be considered differently and restricted, redirected or charged in different ways, but care should be taken over curtailing peaceful protests.</p>
100	<p>Its very good and very comprehensive. City centre will be okay for 8.30 am music, but outlying suburban communities might find this a nuisance.</p>

Question - 15

Please use the space below for any comments or suggestions regarding the Standard Procession Conditions. - Please enter your comments in the box below.

1	I agree
2	Yet should be made clear that it us the organiser's responsibility to ascertain if any ceremonies or events are taking place.
3	The should be no standard conditions, because there should be no processions.
4	Where are the sanctions/penalties for non compliance? - without sanctions following enforcement, the "policy" is pointlessly toothless.
5	Removing the words makes good sense to me. Reasonableness is needed on both sides, and in my experience ('progressive' policy demos, including anti-trident / anti-war / peace / Climate Change) is nearly always present.
6	I disagree with this suggested removal, as I know that the Orange Order and its affiliates make a special point of making more noise when passing a Catholic chapel.
7	fully covered
8	<p>"It is nonsensical to 'protect' from a noise nuisance places of worship which are standing empty, whilst failing to 'protect' other places where solemn ceremonies are taking place. For example, only a minority of Scottish weddings now take place in a recognised 'place of worship'. The proposed phrasing - and the inclusion of non-religious spaces, is appropriate to a modern, multi- and no-faith city.</p> <p>It is, though, incumbent on CEC to equip Organisers and police with the knowledge necessary to minimise disruption to solemn occasions. It is also unclear the extent to which CEC is also taking steps to provide such ceremonies from other sources of noise nuisance, e.g. tourist entertainments on the High Street.</p> <p>Note that in the more genmeral document (point 3.2) only places of worship are 'protected'. these two documents need to be brought into line with each other."</p>
9	I concur with all stated.
10	I have found this very clear and have a good understanding of what is expected
11	Matters in relation to the proposed Standard Procession Conditions have been addressed elsewhere in our response to the council's consultation documents.

12	I agree that the Standard Conditions regarding band playing are very well thought out. In practical terms, there may be difficulty in enforcement, especially during the period of the Edinburgh Festival when many locations are dedicated to cultural events which can be badly affected by the loud intrusion of external music or slogan chanting.
13	"Condition 10. Unless by prior agreement, the use of any staves, wooden poles or other item shall not be used to display or carry banners, placards, flags or posters. The ABOD has for decades used large polished poles to carry its banners and bannerettes and takes issue with this now being challenged when no problem has been reported. Our branch clubs will challenge any attempt by CEC to restrict or prohibit the use of poles to carry our ceremonial banners/bannerettes."
14	Clearly condition 15 is far to difficult to actually accomplish. There are a very very large number of places of worship within Edinburgh to make this viable. And how would it pertain to procession which are about faith and a art of that faith or culture? Which culture of faith would take precedence?
	That negates my point in the previous section about Parliament Square for the Samhuinn Performance. The Minister has been very accomodating about not scheduling services on the evening of 31/10
16	Seems unnecessary
17	I've seen this abused on numerous occasions - best of luck with the Orange Order!
18	The conditions include reference to noise restrictions when a ceremony is taking place in venues such as churches, but does not set out how or when event organisers would be notified of this, or what the cut-off point for ceremonies to be arranged would be. (* This response is replicated 47 times in this section of the consultation – a number had the following reference)
19	The ceremony should have plenty of notice and two events can co-exist, none of this pushing one or the other out
20	When is the cut-off time for organisers? How will they be notified?
21	In principal, I agree with this section, but worry that it will be misused. By broadly

	defining what constitutes a ceremony, the council could legislate all processions into silence. This must not be allowed. It is better that there be no curtailments of the people's rights than that there be too many.
22	I do not agree that religion should be given any special consideration. Religious worship is a choice and if given notice that a parade or procession is happening, they should approach the organisers themselves to ask about keeping music down if a celebration is going on
23	As long as there are no services being performed for worship then bands or musicians following a procession should be allowed to play. In any service that has been booked after a procession has been approved with organisers then the organisers of the service should be notified this event will still go ahead, e.g. a wedding booked after the procession was given full permission.
24	I agree with the conditions aside from number 15. There is the potential problem that event organisers may not know when religious, cultural or legal ceremonies are taking place and if notice isn't provided by either party then who is to blame? Furthermore Edinburgh is a vibrant city representing people of diverse faiths and beliefs. In the event of there being a religious or culturally important procession at the same time as another religious or cultural event, which one is supposed to take priority? It sounds like a well-meaning but impractical clause.
25	the council should be a secular body. why are religious bodies getting special privileges not available to other businesses, such as hotels who could also be hosting wedding services presided over by the Scottish Humanist Society? There are churches all over the place, mostly empty except for a couple of hours every Sunday - this seems a clear case of special pleading from the religious to limit anything they might not like. Such as equality. By the historical positioning of Christian churches across parishes, it will allow them to complain / discriminate against Jews, Muslims, Catholics and let us not forget the biggest group in Scotland - the religiously unaffiliated (whether you determine them as atheist, agnostic, humanist or whatever).
26	I can't find what restrictions apply to noise during ceremonies in churches and venues and what the cut-off points. Please ensure organisers are notified
27	Live and let live. One mans culture is another religious experience. No one should have to halt their activity to please another, sound clash is not a big deal. We live in the city, it is noisy, if you need peace and quiet then we have loads of beautiful countryside
28	This seems unnecessary. I don't know why the city isn't embracing the special events that make it exciting and distinct
29	You allow orange marches to play past other places of worship on days that these places are having services .

	<p>So to stop the Beltane and samhunn parades is religious bigotry.</p> <p>As heathens we are a religious community that practise our beliefs without any intolerance or bigotry .</p> <p>The parades have been part of Edinburghs night time entertainment to thousands of people for many years now and should remain so</p>
30	<p>3. This seems to assume a marching formation and makes it difficult to do audience interaction or certain preplanned performances during a procession, which may involve part of the procession stopping briefly even if the procession as a whole keeps moving. Stewards at processions often need to stop in order to address the crowds.</p> <p>8. This is impractical in many of Edinburgh's streets, pointless in many of Edinburgh's open spaces, and does not allow for floats, larger structures, formations in which performers move around or similar. This seems to assume that all processions are marches.</p> <p>12/13. These paragraphs refer to regulation but not under what circumstances the regulations must be applied. While this is of some use, information on when an organiser might be affected by the regulations would be helpful, and/or a summary of the relevant portion of the regulation would be useful.</p> <p>The new wording of 15 seems less clear; the phrasing ""any place of worship... or any other location where a ... ceremony is taking place"" implies that a ceremony taking place is a defining factor of a place of worship, which is untrue. If passing a place of worship where a ceremony is *not* taking place, must the band stop? It reads as if it should to me, but then the change in wording would be redundant.</p> <p>Assuming the noise restrictions only apply when a ceremony is taking place in venues such as churches, it does not set out how or when event organisers would be notified of this, or what the cut-off point for ceremonies to be arranged would be</p>
31	<p>Conditions around this are not very clearly laid out.</p>
32	<p>The conditions include reference to noise restrictions when a ceremony is taking place in venues such as churches, but does not set out how or when event organisers would be notified of this, or what the cut-off point for ceremonies to be arranged would be.</p> <p>A collaborative multi faith approach works best in this situation, based on multiple levels of trust and respect, and an observance of traditions, cultures and celebrations balanced against the need and right for public outcry and congregation."</p>
33	<p>Cultural, religious and historical value of Scotland should always prevails over any others as part of an obligation of Memory. Fundamental basis of our nation and cement within its population</p>

34	You could add that they should check with groups along the route and see if they mind rather than making it absolute.
35	<p>This is completely unworkable. Edinburgh is an historic city. You can barely walk ten feet without passing a church or ""place of worship"". This condition would effectively make any band unable to play in a procession in vast sections of the city.</p> <p>It also does not set out what a recognised religious, cultural or legal ceremony is. The Samhuinn Fire Procession could be considered a recognised cultural and religious ceremony; would this event be given preferential treatment and/or the deference which is due to church congregations?</p>
36	<p>There should be no special provision for religious places.</p> <p>Where parades are booked well in advance, there should be NO special provision for religious or other ceremonies.</p>
37	This is absolutely ridiculous. It is unlikely that there would be a religious service taking place during events that take place outside of business hours.
38	I too agree with the legal challenge of the words ""whether or not services are in progress" . I believe processions should be able to be carried out outside office hours and before 10pm.
39	<p>The standards seem completely inappropriate and tailored to impinge on ability to hold protest rallies.</p> <p>Also by their nature they are incompatible with performance based processions. As such these standards are not suitable for use.</p>
40	This is truly ridiculous. For a start what if the musical procession is part of a religious ceremony or worship, do they lose their rights to continue their religious activities because they happen to be walking past a church? Why isn't it also the case that churches can't play music in case they disturb the people out for a quiet walk? This condition has more holes than a colander and should be scrapped entirely
41	The Samhuinn festival has taken place next to St Giles Cathedral on the Toyal Mile for many years. It occurs well after the church has closed. Music is integral to the performance, which could not happen without it. I ask that some kind of provision is made to accomodate this. Samhuinn in Edinburgh is a unique festival in global terms and is a truly wonderful part of Edinburgh's rich cultural tapestry. There is nothing like it anywhere. If it is forced to move then the city will be losing something rare and wonderful.
42	6 abreast is too small and unenforcable. People should be allowed banners on sticks.

43	Idiocy. What of those who worship at home or outdoors. Why do religions get extra privileges to hamper freedom?
44	<p>Culture and heritage is extremely important to all people of Scotland and these new rules would force the festival, celebrated for years, to be moved, changed or simply destroyed.</p> <p>I defiantly oppose these changes, as they would risk the deletion of a huge aspect of our ancient culture; one that is already fairly suppressed and understated."</p>
45	<p>Sections 8 & 11 give rise to concerns:</p> <p>8) A rigid structure in of ""not more than six and not less than four abreast"" would put on reasonable restrictions on events such Samhuinn Fire Festival.</p> <p>11) ""Banners, placards, flags and posters bearing inflammatory images or words will not be displayed"" - who judges what is ""inflammatory"". This is a subjective term and what is deemed inflammatory but some will be a legit expression of free speech to others. More realistic should be the banning of banners, placards, flags and posters inciting racism, violence, religious intolerance, etc</p>
46	I agree that the words "whether or not services are in progress" should be omitted from the new Standard Procession Conditions.
47	Totally disagree with this whole idea. Whole thing is too vague, almost everywhere in Edinburgh has religious or spiritual significance.
48	<p>The conditions include reference to noise restrictions when a ceremony is taking place in venues such as churches, but does not set out how or when event organizers would be notified of this, or what the cut-off point for ceremonies to be arranged would be.</p> <p>If someone is arranging a ceremony after an event is already approved and planned then the people organizing the ceremony should be made aware so that they have a choice of whether to move the ceremony. The responsibility should not be solely down to the event. People choosing to have a ceremony inside a city centre are not ignorant that they are choosing somewhere that has an active community.</p>
49	<p>The provisions for participants to walk no more than 6 and no less than 4 abreast are completely unreasonable and place undue burden on organisers to enforce. Why 6 and 4? It seems a completely arbitrary number. How are you going to enforce people who wish to walk together at a protest? They are fluid and constantly moving with slower people being sometimes being over taken. It's a really ridiculous requirement.</p> <p>Also people may not display banners, placards, flags or posters is again</p>

	<p>completely unreasonable. If we have another parade for returning Olympic champions in the city will they will be banned from waving Scottish or British flags?</p> <p>The onus should be on the places of worship to ensure that event organisers are aware that there may be a ceremony taking place</p>
50	<p>The Standard Procession Conditions do not make clear how event organisers would be notified of the occurrence of a ceremony in a church, and what notice period would be implemented for that ceremony to be organised.</p>
51	<p>I wholeheartedly disagree with this policy change in instances when services/ceremonies are not in progress.</p> <p>We are a secular state. Respect for our neighbors does not mean silencing each other, it means peaceful cohabitation. Pagan ceremonies like Samhuinn, which occurred last year near St. Giles (at night when mass was NOT being held), have no more or less of a right to the space than the Catholic church. To say otherwise is insulting to the freedoms Scots hold dear</p>
52	<p>So many rules it's a wonder anyone ever even attempts to have a procession or protest of any kind. You are well on your way to stifling all public events whether good, bad or indifferent.</p> <p>If you are going to apply severe restrictions in the name of public safety to Samhuinn Fire Festival then the same rules must apply to every event where the people gather in public places; concerts in Princess Street, the Edinburgh Tattoo, Hogmanay in Royal Mile.</p> <p>Samhuinn Fire Festival attracts peaceful visitors and tourists to Edinburgh. Scotland is cold and miserable most of the year but fire festivals help to make that more bearable. It makes Edinburgh and Scotland worth seeing</p>
53	<p>Clause 8 is unenforceable and is not required, common sense prevails in the overwhelming majority of occasions.</p>
54	<p>The amendment is eminently sensible</p>
55	<p>This is political correctness gone mad. You are literally recommending that a peaceful parade should stop playing music when outside a place of worship in case it offends someone. It's surely the place of worship's responsibility to limit their exposure and introduce noise cancellation technology to their spaces.</p>
56	<p>This is unreasonable</p>
57	<p>There should be no special provision made for places of worship</p>
58	<p>Section 15 is absurd. Religious citizens should have no rights not attributed to non-religious human beings</p>
59	<p>Any band or bands are taking part in a parade/procession shall be informed</p>

	<p>whether or not services are in progress, or any location where a recognised religious, cultural, or legal ceremony is taking place. the band or bands will then work such considerations into there performance</p> <p>this seems far more sensible</p>
60	<p>I completely agree with the removal of these words. A procession should not have to stop just because it is passing a place of worship when no ceremony or worship is taking place. Samhuinn Festival, specifically, is itself a ritual firmly rooted in the Pagan tradition so this should be taken into account.</p>
61	<p>If there is no service in progress, it shouldn't be an issue to let the band play on.</p>
62	<p>Stop them altogether out dated and does not belong in public place there is halls and areas for people to practice these hobbies and we should be moving forward away from sectarian behaviour</p>
63	<p>No.</p>
64	<p>Perfect</p>
65	<p>The code includes controls on music, but not on shouting or the use of loud-hailers, whistles, drums, etc</p>
66	<p>Marches should not be allowed for Sectarian purposes, regardless of whether they have tin whistles or the Edinburgh Philharmonic and chorus.</p>
67	<p>Section 15 is still not completely clear to me. Does it mean that any place of worship means silence, as well as any place where a ceremony is taking place? If not, then perhaps there should be a comma after "location".</p>
68	<p>While respecting places of worship etc, I think that this is a change of policy too far.</p> <p>Protests and processions have been happening all over Edinburgh and Scotland for hundreds of years., why change now. Where is the right to free speech etc.</p>
69	<p>More nonsense ... someone would (especially in this day and age) have to define what actually is a recognised religious, cultural, or legal ceremony ... are we for example saying that the Festival Cavalcade would need to desist while passing the St Johns church at the end of Princes Street or Military parades would have to do likewise in the High Street?</p> <p>Will there be one rule for some parades/events and other rules for others?</p>
70	<p>Certain organisations parade in differing formations depending on tradition, numbers and practical marching arrangements. For example HM Armed forces march 3 abreast.</p> <p>Formations should be left to the discretion of the stewards, provided the participants do not encroach opposite carriageways posing a risk to themselves</p>

	<p>and other road users.</p> <p>Not sure how anyone can carry a flag or a banner without a pole so this seems an un-necessary, impractical condition.</p>
71	<p>Unless by prior agreement, all persons participating in the parade/procession shall not walk not more than six and not less than four abreast"" - this is discriminatory and creepy in its micro-control. Drop this one. You can just say ""please walk tidily and don't block the pavements/ roads for other road users"". No. 10 seems confusing and/ or overbearing as well. Does this mean people can't bring their own banners? No. 4 seems to suggest a very pessimistic view of human nature. What if mums and children want to get an ice-cream together after a walk?"</p>
72	<p>There needs to be some form of more realistic time scale for any notification and how / where this would be centrally collated</p>
73	<p>It's utterly ridiculous to stop playing music when a ceremony is not taking place. There is absolutely no reason for that.</p> <p>Given the prominence of churches, cathedrals, and registrars offices in Edinburgh's old time this is a defecto ban on processional music in that area and could be seen as deliberate attempt to ban processions from the city centre by the back door.</p> <p>With regards times when a ceremony may be taking place I see no reason why private ceremonies should be given privilege of space over scheduled community events (particularly given the notice periods which are included in these proposals). I also fully object to 'recognised religions' having their privilege of place even further extended over secular events or events associated with 'not recognised' religions, however that distinction may be drawn.</p> <p>The sections relating to flagpoles etc., presumably to remove potential weapons from is heavy handed, likely to be ineffectual at that purpose, and, given the lack of violence at Edinburgh processions, unwarranted.</p> <p>The banning of inflammatory images and slogans is also a direct violation of, particularly political, free speech. Inflammatory language and imagery is a necessary and celebrated part of the civil mechanism of protest.</p> <p>It's likely that anything worth saying would be found inflammatory to someone.</p> <p>Inflammatory language and imagery during processions, so long as it would not fall under other hate-crime legislation, should be positively encouraged.</p> <p>The 4 abreast to 6 abreast restriction is arbitrary and unnecessary. Do away with it</p>
74	<p>Inflammatory images or words" is highly subjective. It's a necessary part of protest that it must be challenging to the status quo. Banners and placards at</p>

	Pride marches, for instance, could be seen as inflammatory to homophobes.
75	Reducing volume is respectful but ceasing entirely is unnecessary when there is not a particular event or time of worship taking place
76	I would suggest that the conditions be amended such that certain processions held on a predictable annual basis should be able to waive condition 15. This would allow the annual celebrations of the city (such as the Samhuinn and Beltane fire festivals for example) to take precedence on those days. This would force organisers of religious, cultural, and/or legal ceremonies to plan around any disruption/noise or choose an alternative date rather than coming into conflict with these events. This condition could therefore still be applied to ad hoc events taking place irregularly (such as political marches).
77	I have no issues with these points. I support the Council in enforcing these and have had nothing but pleasant experiences working with them in the past I especially support the statement concerning set Stewarding numbers
78	Both ways in which this is phrased, whether it contains ""whether or not services are in progress"" or not, are against my views... However it is phrased, the ceasing of music during the passing of a place of worship while no events are taking place is utterly ridiculous. If no one is in there, it's not affecting anyone, and no claim can be made that the sanctity of the religious house is being sullied. I'd like to see the claims made by those who think music playing when no service is taking place is wrong
79	The conditions include reference to noise restrictions when a ceremony is taking place in venues such as churches, but does not set out how or when event organisers would be notified of this, or what the cut-off point for ceremonies to be arranged would be. In order for this change to be workable, a clear process and cut-off point for notification regarding this must be set out - or the condition removed
80	This would make a positive change, however more information is required on how organisers will be notified of such ceremonies and places.
81	Does this mean the pipe bands on armistice day will have to keep cutting out when they pass religious, legal or cultural sites?
82	There is no detail about how procession bands are to know when a recognised religious, cultural or legal ceremony is taking place in a building - how much notice they are to be given of the timings of such events, what the obligations of those involved in such ceremonies are in the matter of giving due notice, and so

	on.
83	<p>Coming from Northern Ireland, I can understand the sensitivities surrounding places of worship, and similarly ceremonies should be respected rather than drowned out by parades. Clause 15 seems appropriate.</p> <p>Clause 8 appears to cover marches exclusively, however some protests or processions involve wheeled vehicles - requiring these to keep no less than 4 abreast and no more than 6 abreast may not be appropriate, very much dependent on the vehicle.</p> <p>A procession may pass more quickly if it were to be more than 6 abreast, so this does seem to reduce the ability for organisers or the council to minimise the impact of a procession through reducing the time it takes to pass</p>
84	That's fair enough,

Question - 17

Please use the space below for any comments or suggestions about the notification form. - Please enter your comments in the box below.

1	I have not read the notification form. Were there no processions, this form would not be required.
2	The application should outline penalties/sanctions for non-compliance.
3	Form is reasonably clear (although overlong.) One size does not fit all, though . Council should recognise that 28 days is often impractical and not allow Council Staff to use this Notification requirement as an excuse to ban last-minute processions.
4	Whilst easy to understand it is very much a paper form converted to digital - a redesign to make it a better digital form should be considered utilising technology so that you cannot move on without completing the relevant bit or having read it to ensure compliance and completion.
5	fully covered
6	<p>Note that the proposed 'variation' of the 28 day period noted elsewhere in this consultation is not reflected here on p2.</p> <p>No guidance is given on the circumstances where a TTRO would be required but Notifiers are invited to List the roads to be closed or restricted. Likewise the Notifier is required make a declaration relating to 3rd Party Traffic management. Guidance on this is wholly inadequate.</p>
7	Perhaps a suggestion to march organisers regarding how many stewards would be expected to be in attendance, i.e 1 steward per 25 attendees.
8	I have found this form to be clear and concise
9	<p>The form is unnecessarily complex and largely unintelligible to a layperson. The references to various statutes is superfluous e.g. How many marchers would be familiar with the terms of the Public Order Act 1936? How many parade organisers would know when a TTRO would be necessary? The suggestion that an organiser would require to give "a minimum of 12 weeks' notice" is extra-statutory and discriminatory.</p> <p>The lodges submit that such a policy infringes our rights under Article 11.1 and the Council's duty under the ECHR. We have a right of freedom of peaceful assembly, which includes the right to assemble and march. A right that allows us to exercise it in any manner we wish, by formation and marching the route of our</p>

	<p>choice. It is the Council's duty to take reasonable and appropriate measures to enable lawful assemblies to proceed peacefully. We submit that the proposal is flawed and prejudiced in that due consideration has not been given to the wider spectrum of potential demonstrating bodies e.g. perambulating nursemaids with their charges demonstrating against NHS cuts in welfare or anti-Donald Trump marches who appear to have been given carte blanche to dispense with the 28-day notice requirement.</p> <p>Organisers are encouraged to give as much notice as possible and the Orange Order has always complied with this, not unreasonable, request but find that the Council rarely reciprocates with our notifications frequently lying unactioned for months.</p>
10	<p>Para 2.1 of CEC's proposed new notification form and related documents require a parade organiser to provide, amongst other things:</p> <ul style="list-style-type: none"> • The reason for the procession; There is nothing in statute which requires us to give a reason for holding a procession. • A list of places of where [a] recognised religious, cultural, or legal ceremony is or is likely to be taking place along the route <p>We submit that this requirement is extra-statutory and may well be asking an organiser to provide information he does not possess. It should certainly NOT be made a 'condition' because failure to comply with a condition imposed by CEC could attract a criminal sanction. It would be wholly unreasonable for CEC to expect the organiser of an ABOD parade to be aware of places where, for example, a humanist wedding or a Hindu baptism was being conducted. In any event, the term "cultural" ceremony would require precise definition.</p> <ul style="list-style-type: none"> • Details as to whether or not the procession will be routed through the city centre and explanation for following this route <p>We submit that the Royal Mile grew in popularity as a venue for parades due to the non-availability of Princes Street during the construction of the tram system. Since then, CEC has adopted a policy of restricting the number of events in Princes Street which would be likely to involve the closure of the tramway. This policy inevitably led to an upsurge in the number of processions seeking to utilise the Royal Mile and it is, in our view, wholly unreasonable for the council now to seek to unduly restrict the right of peaceful public assembly on the Royal Mile when it was the council which created the problem in the first place.</p> <p>Furthermore, for larger parades held periodically in Edinburgh, it is necessary for coaches transporting march participant into the city to be parked along the length</p>

of Regent Road which has the advantage of being non-residential. The most sensible route to Regent Road is via the Royal Mile. The alternative route via Princes Street would create logistical problems for the city authorities.

We submit that CEC would have to clearly demonstrate by evidence of probative value that an ABOD parade would cause disruption to the life of the community before any proposal to amend a route could be sustained. It is our belief that any proposal to vary submitted routes would be contrary to our rights under Article 11 and contrary to the Council's convention duty which is to take reasonable and appropriate measures to enable lawful assemblies and processions to proceed peacefully. A general policy to ban processions from the Royal Mile, or the city centre generally, unless there are exceptional reasons is contrary to Article 11 of the ECHR.

- Details as to whether or not consideration has been given by the procession organisers to an alternative to a procession (i.e. Static demonstration, rally in a public park, etc)

The ABOD considers this request to be ultra vires of the council's powers, and its inclusion in any document issued by CEC in relation to a procession is most improper.

Moreover, our branch clubs are concerned that CEC might regard any failure to accept the alternative to be a relevant consideration at any consideration of a parade notification. If such a matter were to be taken into consideration, we would submit that it was an irrelevant consideration standing our rights under Article 11.1 and CEC's convention duties in respect of a proposed procession.

In any event, we are of the view that this proposition has not been fully thought through by whomever was responsible for drafting it. If, for example, the ABOD were to stage a static demonstration at, say, the Grassmarket, involving up to 40 bands and 3000 persons and lasting 90 minutes, would this be acceptable to the statutory authorities? Such an event would, in our view, be potentially much more problematic than a swift moving procession.

- List road names to be closed
- List road names to be subject to parking restrictions

No reasonable person could expect the organiser of an ABOD parade to know when, or even why, a road should be closed or subject to parking restrictions.

- Do you require the City of Edinburgh Council to supply equipment to close any roads or restrict parking to facilitate the Procession?

	<p>We submit that, if CEC believes the employment of equipment is necessary to close any roads or restrict parking to facilitate an ABOD procession, then CEC should not only supply it but also absorb any associated costs in pursuance of its convention duty to take reasonable and appropriate measures to enable lawful assemblies and processions to proceed peacefully.</p> <p>We further submit that the proposed new notification form is fundamentally flawed since it invites a parade organiser to sign a declaration acknowledging responsibility for (i) risk assessments; (ii) event management plans; (iii) 3rd party traffic management contractors; (iv) TTROs; (v) traffic management plans; (vi) a minimum of £5 million public liability insurance; (vii) litter removal; (viii) to indemnify City of Edinburgh Council against claims.</p> <p>Whilst organisers of ABOD processions routinely prepare risk assessments and event plans, particularly for large events, there is no statutory requirement for us to do so.</p> <p>The ABOD has no intention whatsoever of employing the services of a 3rd party traffic management company for any of its events. We submit that it is the responsibility of CEC to undertake such action in pursuance of its Article 11 duty to promote the right of freedom of peaceful public assembly. Nor do we accept that we have a statutory obligation to put in place liability insurance.</p> <p>The ABOD will challenge any attempt by CEC to force a parade organiser to pay a charge for the clearing of litter at any of its events unless it could first be established that the litter was deposited by march participants and not by spectators or members of the public.</p> <p>The terms of the new notification form as proposed by CEC are wholly unacceptable to the Apprentice Boys of Derry and, in the event of the completion of such a form being made obligatory, our branch clubs would once more feel obliged to take legal proceedings.</p>
11	<p>This actually reads the most like a guide out of these forms and to an extent could help people trying to organise an event.</p>
12	<p>Processes for relevant permits and licences should be simplified and standardised to make it easier for community groups to apply - especially in relation to making payments, as the processes are often different for each of the various licences.</p> <p>(* This response is replicated 45 times in this section of the consultation – a</p>

	number had the following reference - [Some suggested potential points to refer to in your answer:])
13	No real change there for the info BFS has had to provide the council and police in the past, so that's all grand.
14	All parades /processions /events are not the same.
15	The whole process needs to be simplified and standardised, especially regarding use by community groups.
16	I generally approve of this section, albeit reticently
17	The application process for licences and permits should be made as easy to understand as possible and standardized so there isn't discrepancies in application processes. This would help local groups to work with the council so that they can both serve their communities.
18	It should be simplified, getting the relevant permits and licenses should be a simple standardised process. We should help group organisers were we can. They work for the people of Edinburgh and often in their free time.
19	Keeping it smile is a must. Good job
20	Risk assessment is important but should not be prohibitive for non-business oriented events to take place.
21	12 weeks notice of events is unfair on everyone involved with parades
22	<p>28 days' notice is impractical in many cases, no pragmatic justification for the increase in notice period has been given and this would cause disproportionate difficulties for smaller organisations. See previous comments.</p> <p>Processes for relevant permits and licences should be simplified and standardised to make it easier for community groups to apply - especially in relation to making payments, as the processes are often different for each of the various licences.</p>
23	The notification for seems aimed at being a paper form. The form should have in place a system for electronic submission.
24	It's about as complicated and tiresome as your average public sector application process. That makes it bareable but tiresome.
25	<p>I dint think that these restrictions will be beneficial to the city of Edinburgh.</p> <p>Processes for relevant permits and licences should be simplified and standardised to make it easier for community groups to apply - especially in</p>

	relation to making payments, as the processes are often different for each of the various licences.
26	Seems a bit over detailed eg band members.
27	If you want to encourage community events, process for applying for licences and procedures should be as simple and straightforward as possible. You need to be careful not to accidentally design systems that are tilted in favour of commercial organisations.
28	Permit and licence processes should be much more simple, and brought into a standard format.
29	Your form brilliantly discourages all but the most determined (zealots!) from engaging in any public rallies, events, etc, and to the extent that that was your intention it is perfect.
30	see previous answers/comments
31	The increase to 12 weeks will make it impossible to stage Street theatre events of any complexity or scope. It is unnecessary and will severely impact on Edinburgh's cultural scene.
32	It would be an advantage to simplify and standardise processes for example how to make payments.
33	This is totally ridiculous . Every procession is different and should be allowed to express themselves without being dictated to by the council
34	this form is overly complicated, as if it were designed to put people off.
35	To many loop holes allow hate and drinking to occur
36	The questions are clear, but the form does not seem optimised for completion online (which it should be). The focus on details of bands could be reduced and moved to an appendix There is a typo: 'go disperse'.
37	Plans for notifying affected residents needs to be included.
38	The use of differing numbers of marshalls and their levels of training and accreditation should not be used as a way of preventing a march. Again look at the EHCR.
39	The grey areas which are inherent and routinely allow the authorities ...

	<ul style="list-style-type: none"> - late response, - change of conditions, - to differentiate between one event as opposed to others <p>are all areas which should be addressed by the authorities to ensure they are fully in line with the European Convention on Human Rights and Fundamental Freedoms.</p>
40	<p>You do a good job of explaining a process that is highly bureaucratic and onerous for anyone who might consider "organising" any public parade. It should not take 12 weeks to close a road or two. Residents spend half the year frustrated by road works. One more won't make any difference. You should be more flexible about "organisers". Only events run by organisations that are already mainstream are likely to survive in this system, but any healthy democracy requires constructive dissent, debate, and different ways of organising things. It is a shame and a mistake that you want to make every group and every issue the same.</p>
41	<p>I think it is important for the Council to note that the Samhuinn festival is not a protest march and would not at any point become violent as other marches might. It is in the nature of the festival to be peaceful and joyous. It should in no way be affiliated with or related to a protest march or any other march at all for that matter.</p>
42	<p>This form appears clear and fit for purpose.</p>
43	<p>While it's great to see a new form, I continue to find the payment methods for the various licenses and permits required by the Council tedious and confusing and would support working to make that system clearer and consistent.</p>
44	<p>12 weeks notice for road closures is excessive, especially since the previous notice was 1 week. This should be equal to the notification deadline for the procession it self, as usually the organisation of one leads to the other, and usually the procession is thought of first before the route.</p>
45	<p>fair enough.</p>

Question - 18

Please use the space below for any final comments or suggestions about the proposed Policy and Code of Conduct of Processions. - Please enter your comments in the box below.

1	To ensure to the best possibilities that safety at the helm of all processions and parades but not to become too sterile, that it is important organisers of these events do not get caught up in layers of red tape/obstacles. I remember these type of events as a kid and they were great, that you can immerse yourself in a good old parade, carnival, procession as well often a good opportunity to raise awareness of an issue and or for joining up with other for a combined message, to bring people together and allow them the freedom to communicate as a wider well responsible group
2	Stop wasting money on matters such as this, and spend the money where it's needed, instead of allowing groups of people to cause inconvenience by allowing them to crowd onto our streets to push a cause, which I and probably many others have no interest in.
3	One size does not fit all. Council should be very aware that these requirements (particularly 28 day notification and insurance requirements) could very easily be used to stifle civic and political engagement. We NEED people to be engaged, on causes I agree with and those I don't. Commercial processions could and should be regulated hard, but civic/political processions and rallies (and protests) should be encouraged, even if it does present a challenge to the Council and police. Please be aware, also, that some protests and rallies are by their nature anarchic, un-organised and last-minute. If you try to over regulate them you will be creating conflict unnecessarily .
4	I would be happy if there were a presumption that Orange Walks (under whatever name) were not permitted. The behaviour of participants afterwards, in the Meadows, has always been disgraceful and an outrage to public decency. In addition, I feel they fuel religious intolerance and have no place in a modern and inclusive society.
5	Parades and the disruption that they cause do not serve any proper purpose other than the ego of some organisers. They need to explore other routes to achieve similar objectives. They should not be allowed
6	all covered
7	Several issues relating to the absence of meaningful guidance relating to TTROs and associated responsibilities and costs were raised in the Independent Report

	<p>on Marches, Parades and Static Demonstrations in Scotland of October 2016. (http://www.gov.scot/Resource/0050/00506722.pdf). It is notable that none of these issues are referred to in this document - instead readers are referred to a 2006 Scottish Executive document which is, itself, vague on when and why TTROs could be reasonably expected to apply.</p> <p>In their response to that report the Scottish Government noted: "The Scottish Government acknowledges the concerns around the use of TTROs raised in the report, and the need for greater clarity on this issue" http://www.gov.scot/Resource/0050/00506722.pdf</p> <p>Given the acknowledged lack of clarity on this issue I would suggest that TTROs are removed from the proposed new documentation until such time as clear guidance is secured. To require, e.g., all Notifiers to make a declaration on Traffic management, and to allow the Council to vary the 28 day period in the (quite unclear) circumstances where a TTRO is required, is unacceptable given the Scottish Government's acknowledgement that greater clarity is required.</p>
8	All seems quite clear and precise to me.
9	<p>Thank you</p> <p>I have appreciated this process of viewing all the documents before submitting the notification for our event.</p>
10	<p>There are far too many processions in Edinburgh and some are appallingly badly organised and conducted.</p> <p>Please clean up your act and clean up the streets after these events.</p>
11	<p>The proposed notification form (p35) reads more like an application form rather than a notification form and contains clauses which a parade organiser is required to sign and which, in our view, are ULTRA VIRES.</p> <p>No 1</p> <p>I understand that, as the event organiser, I am the person responsible for the event. Therefore, I will ensure that appropriate risk assessment and event plan will be in place.</p> <p>Whilst organisers of Orange Order marches routinely complete risk assessments and event plans there is no statutory requirement for them to do so.</p> <p>No 2</p>

If using a 3rd Party Traffic Management Contractor I confirm that I will ensure that there is appropriate signage, traffic management planning and sufficient public liability insurance in place (a minimum cover of £5,000,000).

The Orange Order will not be using a third-party Traffic Management Contractor believing that it would be incumbent on the local authority to undertake this in pursuance of its Article 11 responsibility to promote the right of freedom of peaceful public assembly. Nor does the Orange Order accept that it has a statutory obligation to put in place liability insurance.

No 3

I indemnify the City of Edinburgh Council against all claims for accident, damage or injury caused by, or in consequence of the event named.

The Orange Order finds this clause wholly unacceptable and devoid of any statutory authority.

No 4

I understand that if any litter/rubbish remains in the area as a result of the event that there will be a charge imposed on the event organiser should the Council have to remove it.

This clause would only be acceptable if it could be established that those responsible for depositing the litter were march participants. We could not accept responsibility for the removal of rubbish left by spectators, onlookers or members of the public.

The lodges are concerned with the obvious implication in the proposed new notification form that the procession organisers will become responsible for payment of costs associated with the preparation of risk assessments, events plans, traffic management plans, TTROs, litter removal and public liability insurance as well as having to indemnify Edinburgh Council against all claims for accidents, damage or injury which might arise from the event.

Given the convention duties previously delineated we would argue that costs should not be a relevant consideration unless the costs are such that is “necessary” for one of the reasons in Article 11.2 to curtail freedom of assembly. We know of no statutory authority that permits the Council to make a charge where a march is to take place. To make such a charge would require statutory authority.

The Council of Europe in their “Guidelines for drafting laws pertaining to the

freedom of assembly” says that the law should never impose on an organising party an obligation to pay monies as a condition of organising an assembly.

These proposed new clauses propose significant restrictions on the democratic right of freedom of peaceful public assembly and whoever drafted them was evidently uninstructed in Human Rights Law.

The European Court of Human Rights has made it clear that there is a positive duty on an Authority (1) To take reasonable and appropriate measures to enable lawful assemblies and marches to proceed peacefully and even (2) to take adequate measures to prevent violent acts directed against the participants in an assembly or march, or at least limit their extent (see United Macedonian Organisation Linden and Ivanov v Bulgaria (2007) 44 EHRR4).

This duty arises out of Article 11 which confers the right of peaceful assembly and association and provides that:

“No restriction shall be placed on the exercise of these rights other than such as are described by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”.

No restriction may be placed on a march unless the Council can demonstrate that it is “necessary” for one of the reasons in Article 11.2. Convention case law makes it clear that “necessary” does not mean “useful” or “desirable” but implies a “pressing social need”, thus making it a strong word. This has been accepted in the Scottish Courts where a Sheriff has said, in a challenge to a ban on a march that “it is for the public authority to show that it is necessary to curtail the basic right before any such restriction will be upheld”. (Aberdeen Bon Accord Loyal Orange Lodge No 701 v Aberdeen City Council 2022 SLT (Sh Ct) 52).

Accordingly, the Civic Government (Scotland) Act 1982 as amended by the Police, Public Order & Criminal Justice (Scotland) Act 2006 has to be read and understood against that background.

The Orange Order submits that there is nothing in the consultation document that justifies any of the new proposals as being “necessary” in terms of Article 11.2 to place any limitation on the Lodges’ rights under Article 11.1.

The crucial question is likely to be whether an interference was necessary in a democratic society. As with the European Convention on Human Rights, Articles 8, 10 and 11, the interference complained of must correspond to a pressing social need, be proportionate to the legitimate aim pursued and be justified by

relevant and sufficient reasons.

The Loyal Orange Institution submits that the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 is applicable.

We submit that, as a public authority, a new duty was place on the Council. The general duty by Section 149 of the Equality Act 2010 and Scottish specific duties which were imposed by secondary legislation came into force in September 2011.

The Council must, in the exercise of its functions, have due regard for the need to:

- Eliminate discrimination, harassment, victimisation or any other conduct that is prohibited under this Act
- Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it by tackling prejudice and promoting understanding

Protected Characteristics as defined by the Act are:

- Age
- Disability (physical, learning and mental health)
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion and belief (including non-belief)
- Sex (gender) • Sexual orientation
- Marriage and civil partnership (only in terms of duty to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act).

Article 1 of Protocol 12 of the European Convention on Human Rights states that:

1. The enjoyment of any right set forth by law shall be secured without

	<p>discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.</p> <p>2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.</p> <p>I would ask the Council to take on board the views of Mr Maina Kiani, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly following his visit to the United Kingdom from 14 to 23 January 2013 and would respectfully direct the attention of the Council to a conclusion he made with particular regard to Scotland:</p> <p>“I was made aware that cost recovery measures are imposed on parade organisers by some local authorities (in particular the Glasgow local authority), a situation that I find troubling. Cost recovery measures are sanctioned by the Scottish Ministers through their ‘Guidance for Scottish Local Authorities’ on marches and parades. I understand that marches and parades of the magnitude sometimes held in Glasgow require a large amount of resources to ensure public order and safety. Nevertheless, I am of the firm conviction that cost recovery measures place an unjustifiable burden on parade organisers and have the effect of unduly restricting the exercise of peaceful assembly. As I noted in my thematic report, ‘organisers should not incur any financial charges for the provision of public services during an assembly’.”</p>
12	<p>I believe that the policy and code of conduct are thorough, fair and well considered. I would ask the City Council to be particularly aware of the problems which are caused by parades and processions during the period of the Edinburgh Festival and Fringe, when there is a huge influx of visitors intent on tight schedules, especially in the Old Town area.</p> <p>Many thanks.</p>
13	<p>Where a parade requires to be publicised beforehand, it would be useful if any necessary meetings and issuing of confirmation could be provided at least 28 days before the event, in which case such applications would need to be made much earlier.</p>
14	<p>Our branch clubs are concerned that some of the statistics regarding processions is either inaccurate or misleading. It is alleged that “the number of parades and processions taking place in Edinburgh has increased significantly”.</p> <p>No statistical data has been provided to corroborate this claim. It is certainly not true of parades conducted by the ABOD and poses the question – what is an acceptable number of processions? We do not agree that there has been a</p>

	<p>“significant” increase in the number of parades held in the city and, even if there had been, this is nothing to be concerned about as it is merely an expression of the demonstration of civil liberty which is protected by the European Convention on Human Rights.</p> <p>We further note the statement that there should be a “... recognition of the increase in the number of complaints about parades and processions ...”</p> <p>We do not agree that there has been any such an increase in the number of complaints and, again, note the lack of statistical data. There would also require to be some procedure to determine the validity of complaints, as our experience shows that the clear majority of complaints in various local authority areas are motivated by an antipathy to the perceived thematic content of the parade.</p> <p>CEC alleges that several wedding ceremonies or similar have been disturbed by the noise from bands taking part in parades. During the tourist season in general, and the festival period in particular, the noise from itinerant street musicians, daily and from dawn to dusk, far exceeds the noise from bands only a few times per annum. CEC - bearing in mind that it was this very issue that sparked off two legal challenges by our branch clubs in 2015 - should proceed with the utmost caution before imposing conditions in this area and note that we would not hesitate to embark once again on legal proceedings if we felt that our rights under the ECHR were being eroded.</p> <p>Finally, we view with the utmost concern the obvious disparity between CEC’s dealings with compliant groups such as the ABOD and its dealings with non-compliant groups such as the one behind the recent anti-Donald Trump protests. Parade notifications submitted by the ABOD are routinely subjected to unreasonable scrutiny, with an apparent willingness on the part of the LSC to conjure up ‘reasons’ to impose unnecessary and - such was the case in 2015 - unlawful restrictions. Non-compliant groups such as the one behind the aforementioned anti-Trump protests are subjected to no such scrutiny. Indeed, their blatant disregard to meet their statutory obligation of providing a minimum 28 days’ notice is invariably rewarded by CEC, who quietly facilitate their protests.</p>
15	<p>Edinburgh’s growing popularity of processions protests and marches surely indicates that our population is enjoying them and it would be horrible to remove these because of the few businesses, or residents it potentially adversely effects for those few hours. It needs to be properly weighed as to whether their issues of noise complaints is equivalent to the joy being expressed in the populace in the procession and of those who watch the procession. And the sheer number of guidelines and restrictions inhibits the grass roots development of these events which really do make it a city of Edinburgh event rather than a mass market</p>

	event.
16	<p>Regarding use of city centre spaces, and the High Street in particular: Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity.</p> <p>Established community activity areas ('event spaces') should be protected and retained for continued use by the community - not only corporate or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through the following measures: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.</p> <p>Regarding prescribed marching formation (no less than four side by side, and no more than six): This does not take into account the various forms which a procession can take (i.e. it assumes marching and doesn't allow for other styles of performing or when floats, puppets or other larger decorative items are included in the formation). It also fails to take into account street surroundings, unplanned participation of the public or whether this formation includes individuals such as stewards, police, etc.</p> <p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
17	<p>Beyond the points I've already addressed, I'd like to add the tourism aspect that regularly calendared processions like Samhuinn Fire Festival encourage - we hear of people *deliberately* scheduling their trips to Edinburgh to coincide with Beltane or Samhuinn. It would be a shame to diminish their experiences.</p> <p>Then there's the cultural and community angles. The Beltane Fire Society involves upward of 400 people every year (with new coming in, and some leaving after university, or other life changes) that put their all into creating something spectacular that entertains *thousands* twice a year. We even make it into brochures and "What to do in Scotland" type pieces like Visit Scotland, airline guides, national newspapers, the BBC and so on.</p>

	<p>So, in summary, while I am completely on board with things like the code of conduct, a very detailed and specific notification form and a close working relationship with council and police, I'm wary that parts of these proposals might diminish the overwhelmingly positive impact our Fire Festivals have on our wonderful city and the visitors therein.</p> <p>Thank you for your time reading this.</p>
18	I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre.
19	<p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p> <p>(* This response is replicated 26 times in this section of the consultation – a number had the following reference - [Some suggested potential points to refer to in your answer:])</p>
20	<p>Don't let the aging population quash the younger generation.</p> <p>Don't let one culture block out another.</p> <p>Don't prevent expression.</p> <p>Don't waste your time on people who think they're better than everyone else and their complaints are worth more.</p>
21	This legislation is wholly unnecessary, and its passage would be nothing short of catastrophic. I urge the council to leave the regulations governing public processions as they are, or else liberalise them further, rather than adopting a stance reminiscent of authoritarianism - especially at a time when the right to public protest is more critical than ever before.
22	None, other than it is restrictive
23	Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).

	<p>Please keep Edinburgh the great and one of kind place for performance festivals it currently is. I believe the proposed changes will harm that state, so please take the people's opinion in consideration, giving a second thought whether these changes will achieve will be positive or only harmful to the whole performance community in the Edinburgh.</p>
24	<p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p> <p>Having a clear set of rules and code of conduct is useful provided that it doesn't create irrelevant bureaucracy that makes life harder for smaller organisations to organise events. At the end of the day the Council should aim to facilitate local groups rather than hindering them and it's precisely events and processions like these that make Edinburgh a pleasant place to live rather than just another soulless city. Let's not lose our personality to bureaucracy.</p>
25	<p>I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as the Samhuinn Fire Festival).</p>
26	<p>Besides this being a restriction of freedom of peaceful assembly as well as expression, it is sending the wrong message.</p> <p>Scotland tries to show itself as a world open and inclusive society. A hub of culture & art. This can not be brought in line with over bureaucratic regulations (such as norming the rows of a procession, or a a 6pm noise curfew). Especially now, when the rest of the UK is currently falling into isolation and nationalism, we should not restrict artistic expression.</p> <p>At the end it will be universities and start up companies in and around Edinburgh that will suffer, by not being able to offer their young staff the kind of modern lifestyle offered by other European cities, such as Amsterdam, Vienna or Dublin.</p>
27	<p>Non-political marches should be given special attention and have less regulations, eg The Moon Walk, Samhuinn Procession</p>
28	<p>I fear that this will endanger the right to freedom of peaceful assembly and freedom of expression as given in the European Human Right Convention.</p>

	<p>Looking at various places in the world right now, it is clear that that right, among with all human rights, must never be taken. Only bad things would come out of it.</p> <p>Restricting a partly religious festival, such as the Samhuinn procession or a possible Chinese new year parade or the Brazilian carnival, seems like the opposite of religious freedom to me. Again, looking into the world right now, not something we need or want.</p> <p>This might also have a bad influence on Pride, which is also not something we want to hinder.</p> <p>Edinburgh makes a lot of money from tourism and cultural events like Fringe and the many dozen small cultural and arts events bring more tourists and money in. Especially into the small and medium sized businesses, that employ people, train young people for work and pay tax. This is one of Edinburgh financial pillars. Don't damage it.</p> <p>If you move in next to a space that has been an event space long before you were even born (literally!) you can not expect it to change. That is very selfish and heartless towards the community. I moved in over an Indian restaurant. I don't complain and demand they should stop cooking because everything smells of curry. I knew they are there when I move in.</p> <p>Edinburgh always had a sensible approach to this, namely the standard European one: stop making noise at 10pm, clean up and disappear so it's silent at 11pm, when night officially starts. This protects the residents and still allows Edinburgh to be a cultural, open, diverse, inclusive place. Everybody wins.</p>
29	<p>This must ensure that community organisations and expressions of views/culture must be supported and given consideration, as they will not have the same ability (as larger organisations) to plan in advance, pay relevant fees, and navigate bureaucracy.</p>
30	<p>The council, police, and other public service bodies do a great job in Edinburgh. We have world class events that are inclusive and diverse. It's a real source of pride for the city. Let's not wrap them in red tape and water down the joy they bring... Clearer criteria, more detailed justification for changes, and a bit less prescription/control to allow for some modicum of spontaneity would be helpful.</p>
31	<ul style="list-style-type: none"> • The aims of this document include that this policy should be 'implemented fairly'. This must ensure that community organisations and expressions of views/culture must be supported and given consideration, as they will not have the same ability (as larger organisations) to plan in advance, pay relevant fees, and navigate bureaucracy. Without additional consideration for smaller

	<p>community organisations, the proposed policy could be considered inherently unfair.</p> <ul style="list-style-type: none"> • Regarding the suggested 12 weeks notice for a road closure for a procession (Temporary Traffic Regulation Order / TTRO): as set out above in answer 9, this change would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh’s layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise. <p>The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 Part II Regulation 3 states that for a temporary order ‘Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order’. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights and is disproportionate to the actions required on the part of the Council to fulfill their obligations. As such, a far shorter notice period – such as, perhaps, a maximum of two weeks, would seem suitable, and be much more achievable for community groups and organisations.</p> <p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
32	<p>I suggest you leave it alone or make reasonable amendments so as not to impact the events that bring joy and trade to Edinburgh</p>
33	<p>I am a resident of Edinburgh and love the fact that we have so much culture here right in the heart of this city.</p> <p>Over the last decade or so, there have been numerous attempts to commercialise events in the city centre which has had the unintended consequence of making it much harder for local culture to thrive. I am worried that this proposed policy will make it harder for cultural groups to do good things in an increasingly beurocratic environment.</p> <p>The first key principle underlying this policy stresses the rights of people to hold processions, parades, demonstrations and so on. Yet this principle is all but ignored in the policy itself. Cultural events, including processions, can be a great draw for tourists to the city as well as binding local communities and helping Edinburgh to thrive as a city. It is very unfortunate that the positive benefits of this</p>

	<p>principle has been left out of the policy that should have been derived from it.</p> <p>Imposing sensible health and safety restrictions on a public event will always be a good thing, but there are some tweaks needed to ensure that the restrictions imposed are not a rigid set of rules designed for marches and then imposed unthinkingly on all processions and parades (such as walking in formation 4-6 abreast); rather, it should be about identifying the common risks, and also the risks specific to an individual event, and providing a framework in which the risks can be wholly minimised.</p> <p>While neighbour noise is a problem for any event in a residential area, many of the residential spaces in Edinburgh centre (eg the Grassmarket) have been successfully used as event spaces for hundreds of years without such a blanket restriction. The 6PM band curfew seems inconsistent both with the described problem and other legislation.</p> <p>The requirement for a 12-week notice period makes virtually any form of political protest march impossible (assuming road closures are needed, as is almost inevitable); the political landscape could change so dramatically in such a long period that the march is no longer relevant by the time it is held.</p> <p>The Samhuinn fire festival has been run successfully in the form of a procession through the streets of central Edinburgh for 20 years. It is an explosion of performance art and a celebration by local residents of many things, including our right to peaceful assembly and freedom of expression. These changes mean moving it out of the city centre - reducing its relevance to the city culture - or running it without music - against the right of freedom of expression. I would ask you to think again, and keep our culture at the heart of this policy.</p> <p>I believe these plans, as presented, are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p> <p>I appreciate that this is a delicate balancing act between the needs of different local residents. Sincerely, thank you for making this a public consultation and for reading my answers.</p>
34	<p>My own opinion as a resident is that little would change in accessibility and comfort/ease of living in the city centre and all that would happen is that many celebrations and freedoms would be lost, taking way part of the reason of why it is special to live in this city.</p>

35	<p>Cultural and historical processions such as Samhuinn should be preserved by the council as part of our national Celtic heritage! Having it moved away would be a shame towards our fundamentals and another step towards the defragmentation of Scott's cohesion.</p>
36	<p>I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre.</p> <p>The City of Edinburgh Council has a growing reputation across the rest of the UK for ignoring the arts, closing arts and music venues & imposing restrictions on the movement of people throughout the city. Glasgow, Dundee & now Perth have significantly better reputations than our Capital city, with regards to celebrating the arts. Are you willing to reverse this trend?</p>
37	<p>Fundamentally, I believe these plans are inconsistent with Edinburgh's heart as a thriving and exciting supporter of the arts. We do not have a huge manufacturing base or industrial facilities but we are an exciting and creative city and this is what draws people to come here and it is why I wish to continue living here.</p> <p>The proposed policy feels, to me, to be heavily weighted in favour of not providing any inconvenience to affluent, upper-middle class people who care more about their house prices than they do about their community.</p>
38	<p>Beltane Fire Festival Samuihan Fire Festival</p> <p>Don't mess with the festivals in Edinburgh that bring visitors and are a key part of the Edinburgh calendar - these are family and public events and the council should be supporting them</p>
39	<p>The various annual parades are part of the life of our city and simply the price of living in the city centre. If people don't like it, they should move elsewhere.</p>
40	<p>Processions in the city draw in a lot of tourism and create a sense of community- people hanging out their windows to watch, smiling, cheering and general good will. If we make them too hard for organisers they won't happen and society will become more segregated, people won't interact as much and the friendly nature of the Scottish people, for which we are world famous for, will die out. Public events bring us together. Please don't hinder them.</p>
41	<p>Make the rules etc for ALL processions, not just for specific one's and do not</p>

	<p>exempt any others from this, especially if the processions are during the day or during peak traffic hours i.e when commuters are on their way home. Make the policies and code more understandable, be specific in your descriptions.</p>
42	<p>These rules seem to have the aim of suppressing all amateur events in favour of commercial events.</p> <p>The open and unspecified provision for special circumstances is open to abuse and corruption.</p> <p>The rules have little understanding of entertainment and performance based processions. This will suppress Edinburgh's ability to be an arts and culture centre and hurt long term standing of the city.</p>
43	<p>This seems to be a very one sided proposal that favours police ease over cooperation, certain religious groups over others and the non-religious, wedding parties and business over the cultural activities that are the reason they're even there in the first place. The entire responsibility is placed on organisers of parades for the discomfort or inconvenience of private events that are more mobile and flexible which is entirely wrong.</p>
44	<p>I was a performer in the Samhuinn festival between 2005 and 2009. Involvement with the event the associated community was an important part of my time in Edinburgh. I have travelled the world and I can tell you that there is NOTHING like this event anywhere else, in any city. It's unique. I now live in Sydney Australia having emigrated here in 2009. I still tell people about Samhuinn in a regular basis. It's not merely some little festival on the calendar. I care enough, 8 years later, to spend an hour of my time writing this submission. Across the world there are literally thousands of previous Samhuinn performers. It helps put Edinburgh on the world map. People travel from far and wide to see it. If all the proposed new rules come into effect and do not make provision for Samhuinn as a special event that is part of the rich cultural tapestry of Edinburgh (and Scotland more widely) then the event itself will either come to an end or be forced out of the city centre. Edinburgh will lose a jewel in its crown and be drabber and less remarkable for it. Please, in considering these new rules, take a moment to consider how you might achieve the broad aims but still allow exceptions for Samhuinn to continue.</p>
45	<p>The ban on Music after 6 will drastically effect some beloved Edinburgh events. On the whole this policy is overly restrictive and unworkable in practice. It curtails peacefull protest and response to current events. I work on the High street and processions are part of its character. It favors corperate events over grass roots events.</p>
46	<p>Culture and heritage is extremely important to all people of Scotland and these new rules would force the festival, celebrated for years, to be moved, changed or simply destroyed.</p>

	I defiantly oppose these changes, as they would risk the deletion of a huge aspect of our ancient culture; one that is already fairly suppressed and understated.
47	The proposals and some of the new restrictions would ruin the nature and spirit of Samhuinn Fire Festival.
48	I suggest that the council looks back over the recent history of such processions in the city centre and directly engages with the organisers of such events to develop a future policy that takes all their concerns into consideration, so that the cultural life of the city can be maintained allowing freedom of expression for all.
49	Edinburgh is a festival city. It has been for the last 70 years. Restricting festivals like Samhuin would affect the city. Music is already far more restricted than most cities. We need more late night music not less. For every moaning complainer there are thousands of people having fun and bringing joy to the community. People only contact you when they are unhappy. Dont forget all the happy people who don't contact you. Save Our Samhuin
50	The timelines are unreasonable and lack of detail/clarity on the points mentioned previously do not make this a realistic proposal. If a timeline of longer than 1 week (current requirements) is indeed required, then this should be no longer than 2 weeks. Anything else removes the public's ability to express themselves in regards to any current situation (e.g. protest marches). Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).
51	The city's very large visitor population, with its associated festivals, events and entertainments are a major pillar of the economy. Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh's status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity. The proposed policy should recognise the full range of variety that can fall within the term 'procession'. Fundamentally, I believe these plans are inconsistent with the right to freedom of

	<p>peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
52	<p>I think you need to step back and think about your community in the broadest sense. My genuine feeling is that these procedures are designed with a certain sort of event in mind, formal controlled marches, commercial events and the like, and really don't pay enough attention to the needs of your community and the benefits that can be provided by a strong social and community organisations.</p> <p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
53	<p>The proposals you are suggesting would kill cultural events in the city which tourists also happen to come to the city to participate in and watch. Or will you be giving special dispensation to events like the torchlit procession because it's a money spinner for the local authority?</p> <p>You can't have your cake and eat it. Either you welcome these kinds of events and the resulting influx of tourists or you don't.</p>
54	<p>Events such as the Samhuinn Fire Festival bring soul and spirit to the city. They bring visitors both national and international, and a unique sense of community, history and culture. The introduction of this proposed policy and code of conduct in its current form would kill this event, and all the benefits it brings. It would be a body blow to a community that loves this place.</p> <p>It is also clear that these plans would clearly threaten the right to peaceful assembly and freedom of expression for the city's people.</p> <p>Please, prioritise the needs of community groups.</p>
55	<p>I am writing to express my displeasure as a constituent that policies which would destroy the event Samhuinn are being put in place. This is a part of Edinburgh heritage, and not one which I or anyone I know has complained about. In fact, it is one of the wonderful free experiences which one gets to experience visiting or living in Edinburgh.</p> <p>I am disappointed to see such crass over-regulation from the Council. I urge the council to offer long-term assurance that Samhuinn will be allowed to continue.</p>

	Thank you for your time.
56	<p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p> <p>I would also recommend that you contact the organisers of small events, such as Samhuinn, to get their direct views on this; and I would ask that you work closely and directly with those cultural and community [REDACTED]ers on this.</p>
57	<p>My main concern is that the unique Samhuinn Fire Festival should continue in Edinburgh and that is the only reason that I am bothering to comment.</p> <p>I have no doubt that some extremist zealots do need to be hedged about with rules in order to prevent their creating public disorder. Like most people I am not in favour of public disorder but it seems that perfectly innocent events are penalised because of the need to control extremists.</p> <p>Celebratory events like Samhuinn Fire Festival should be considered on its merits and given the same status as other cultural events in the city such as the Hogmanay proceedings. Samhuinn Fire Festival should have access to the Royal Mile for their march. They have held this event successfully in the past and should be given more positive treatment because of their track record and because of it's non-partisan, non-violent nature. Anyone from the business and commercial who objects to it is being extremely foolish as there would be one less reason to visit Edinburgh.</p>
58	see previous answers/comments
59	A 12 week notification period is unworkable and undemocratic. The current 1 week period should remain if the people are to be allowed to exercise their democratic right to protest.
60	<p>Proposed Ban on Music times is too severe</p> <p>Processions are a vital and important aspect of the City in particular the 'Samhuinn' procession held every year with its diverse mix of citizens participating. Enhancing the Culture and community of Edinburgh.</p> <p>also Not a corporate event!!!</p>
61	Implementing the changes outlined will be taken as a restriction of liberty and an

	<p>affront to anyone who feels they ought to have a say in our countries political landscape. As the capital of a vibrant and evolving democratic nation anything that restricts the rights of citizens to partake in public life is deeply worrying.</p> <p>The effect on street theatre in Edinburgh would be chilling, effectively halting anything that was not static and funded by large donors.</p> <p>Were these changes to come in to force it would be an outrage that would surely see protests.</p>
62	<p>I would like to add my support for Samhuinn. I beleive that it should be allowed to continue it its current form.</p> <p>As an Edinburgh resident I believe that it acts not only as a tourist attraction but also in a way that displays Edinburgh as a vibrant city which promotes culture.</p>
63	<p>While well intentioned currently these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression. More work is needed, through feedback by groups that will be affected.</p>
64	<p>I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which meet the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre. I believe that with some amendments, a solution can be reached which is workable for event organisers in the city centre whilst still respecting the rights and needs of residents, worshippers, businesses, and others.</p>
65	<p>Please don't stifle the creative melting pot that is our capital. Edinburgh is known worldwide for its world-class festivals. If you regulate creativity it will be destroyed.</p>
66	<p>As previously noted, I write as a local resident, not a potential event organiser.</p> <p>Unless by chance a parade or similar happens to be mentioned in the Evening News beforehand the first you know of a parade coming is when it's a few metres away. That's That's not always a problem, and it can interesting or entertaining to see them. But there have been occasions when I have made appointments etc. and missed them because I couldn't cross the road, for example.</p> <p>I'm not against the events happening. I and my neighbours would just like the courtesy of knowing that / when they will, so that we can plan accordingly.</p> <p>And even if one were the type of person to canstantly check the CEC website, which most people aren't , you'd be VERY hard pushed to find the relevant</p>

	<p>information.</p> <p>A small notice in the local press would be EXTREMELY helpful!</p>
67	This would end Samhiunn festivals in Edinburgh.
68	As long as there are no restrictions to the number of people allowed, how they march, where they march or in what formation, I'm happy.
69	<p>Events such as Samhuinn Fire Festival offer huge appeal to city folk and visitors alike. Do not curtail and inhibit these events or underestimate their impact. Edinburgh has year-round appeal. November can be a gloomy month, but this festival brings the streets to life and may perhaps expand into a bigger event offering economic benefits as yet unconsidered.</p>
70	<p>Realise it's difficult to make value judgments but there do seem to be a lot of Mickey Mouse processions.</p> <p>Why are residents not given proper warning about these processions? Over the years our car has been "relocated" even though the warning notices have only gone up about 24 hours in advance (we don't all use our cars every day). With the ubiquity of email it should be possible to inform individual residents of closures.</p> <p>Why has this consultation document not been more widely advertised by some means? I have not heard about it even via the Old Town Association which should surely have been informed.</p>
71	<p>finally, it must be made clear that a time when western democratic values, which many around the world rely on and consider to be at the core of our human rights, are under such attack, it is barmy beyond belief to pick this moment to try and clamp down on free peaceful citizens processing and celebrating in one of the most civilized and culturally important cities of the world. we should be doing quite the opposite, and encourage our fellow people to rejoice in the civic freedoms they enjoy to continue to enrich the community of which they are a part.</p>
72	<p>It would seem, from my reading of the policy that this is an attempt to close down and restrict Public Procession to those resource rich individuals and organisations which is in my mind limiting valid free speech and assembly!</p>
73	<p>Please do not cancel the Samhuinn parade! We are coming all the way from Canada to see it. Every group should be able to celebrate in the manner they are accustomed to and enjoy.</p>
74	<p>As a major tourist city and in the current situation were we are trying to show the</p>

	<p>next generation we are an open and caring society we should not be allowing a parade that preaches hate and sectarian behaviour towards religions and people from other countries. Hate songs nazi salute drinking and disgusting behaviour in such a great city is surely outdated for such a city of modern and mixed culture</p>
75	<p>The code of conduct and regulations have been well thought out with public order, policing and traffic management in mind. The fact that the city centre is a residential area also needs to be taken into consideration and the needs of residents for a family life included in planning. In particular, residents need to be informed of marches in their street and contiguous streets so they can plan in advance.</p> <p>I am very clear that assembly and marches are very different things. I am of the opinion that Orange Lodge Marches should be banned. It is time to heal our Sectarian divides, not encourage division.</p>
76	<p>The noise and disruption caused by the tattoo and fireworks, or the Meadows festival, or the Hogmanay Party, is far greater than anything caused by a procession. I can understand the need for changes to ensure that ceremonies are not disrupted, and to ensure businesses can flourish. I would hugely regret any loss to the city's vibrant cultural life which might result from the restriction on music times for processions, but not for static events which are just as noisy and tend to last far longer.</p>
77	<p>People living in Edinburgh City Centre chose to do so because it is a vibrant city. Most of them are incomers, ordinary Edinburgh folk can't afford city centre living. This NIMBYism is odd - the festival lasts for six weeks. People thole it. The Beltane Fire festivals are two nights a year, six months apart - and much more culturally relevant to Scotland than an international Arts Festival. I'm curious as to why the Beltane Fire Festival are under attack like this but the noise, mess, confusion and disruption caused during August is not.</p> <p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
78	<p>While I fully agree with the principle of balancing freedom of expression the council is aiming to uphold with these changes, I feel they have been drafted with one set of processions in mind (for example, marches by religious groups, or political parties) with no attempt to exclude cultural events.</p> <p>While the policy and code do include various pieces of wording about 'exceptional circumstances', these are so vague as to give no confidence that a</p>

	<p>particular event can be planned (with all the attendant costs) in the reasonable expectation of going ahead. For an event which has run for several decades, and is widely featured in visitor, tourist and promotional material for the city and nationally, to be relying on the goodwill of interpreting 'exceptional circumstances' for the future seems unwise and uncertain.</p> <p>To give another example, in the annual Jazz & Blues Carnival, if someone wished to attempt to enforce the 'six performers abreast' policy, how could this possibly be achieved in the context of salsa dancers, fire spinners and Chinese dragon puppets?</p>
79	<p>I get the distinct and uneasy feeling that this is a lazy consultation on attempting to address issues on certain types of events that may or may not be welcomed by some but which brings fairly horrific implications to ALL events within the City ... and therein lies my uneasiness ... is this consultation</p> <ul style="list-style-type: none"> - designed purely to save money? - designed to formalise a system of differentiation between groups/events? - designed to remove the rights of people to have events without 'big brother's' say on the matter? - designed to water down the Convention for the Protection of Human Rights and Fundamental Freedoms?
80	<p>Who defines what is 'overtly controversial' and has the final decision? Surely any religious or political affiliation is bound to be disagreed with by those holding opposing views and in a democratic country should not be used as a reason to refuse/restrict an application.</p> <p>IF TTROs are required, the cost should be borne by the local authority.</p> <p>Restricting music passing public houses seems un-necessary. Members of the public often appear to watch parades as they pass and to have music playing defeats the purpose. If a particular public house is considered contentious, it would not be unreasonable for the police to request the doors be closed whilst a parade passes, rather than inconvenience the majority, at the behest of the minority.</p>
81	<p>It would benefit Edinburgh immensely to keep unique community spirits alive by allowing different parades to take place without micro-managing and controlling them. Let there be parades with significantly less than 12 weeks notice. Let community groups have a look in - don't make them waste hours, days, weeks of</p>

	<p>their lives simply to book a slot in your parade schedule.</p>
82	<p>I really do believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression not just for all of the people of Edinburgh, but for the people which these events bring into the area. If these events are made harder to take place then the result would be a reduction in people coming into the city spending money on food, accommodation, shops and other places of interest in and around Edinburgh. It would affect income to local events and charities which rely heavily on footfall for their event.</p> <p>In relation to event holders such as Beltane / Samhuinn Fire Festival they provide a much needed link to Scotland's heritage, the amount of time and effort involved in authentic costume and make up, as well as acting and portraying cultural events of a by-gone-age is essential for children if they are to grow up proud of their heritage.</p> <p>I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
83	<p>These proposals are fundamentally contrary to our human right to freedom of expression. The issue of noise complaints in such instances are bogus, seeing as the main source of noise is static venues. There is no written acknowledgment of the benefit of procession (protests and arts festival events). There is no acknowledgment of the difficulty for volunteers in running small community events, and the limitations such a timescale of 12 weeks for road closures will put on them. There is no awareness whatsoever of the fact that for every resident in the Grassmarket (for example) who complains about noise outside their window (in what definitely is, and always has been, a public arts space - public hangings in the past, community celebrations in the present), there are many more residents of this city who feel that their complaint is disproportionate, unfair and ludicrous. Please listen to the silent majority and revise the proposals with our comments in mind.</p>
84	<p>Edinburgh has a unique place in the world because of its acceptance, participation and promotion of world-renowned cultural celebrations such as Samhuinn Fire Festival. I have personally spoken to tourists who have come from as far as the USA, with the work of the Beltane Fire Society as a fundamental reason for their trip to and stay in Edinburgh.</p> <p>It is vital this policy and code of conduct does not result in it becoming impossible for Edinburgh to continue to host such positive, important, well-run, renowned, valuable public events. City of Edinburgh Council and Samhuinn Fire Festival have so far done a fantastic job together to create and sustain an important cultural event and it would be terrible for this proven working relationship to be</p>

	<p>failed by broad-brush policy that does not properly support honest, well planned events that provide a positive contribution to the city of Edinburgh.</p>
85	<p>This whole proposal is a waste of time and unnecessary headache. It will endanger the cultural life of the city.</p> <p>It needs to be taken back to the drawing board and have the rights of grassroots, political, and community organisations to process carefully considered and enshrined within it.</p> <p>Or better yet, just drop the whole thing.</p>
86	<p>I would just like to add my own comment as someone who attends events in Edinburgh. I not only book tickets to events such as the Beltane Fire Festival and the Samhuinn Festival, I also book train tickets and hotel rooms. This year I found I very difficult to find accommodation for the Beltane festival as many hotels were fully booked. I think this is an indication of how popular these events are and how they boost the local economy. I understand there needs to be a balance in the event of a conflict of interests but this is about Scottish heritage and culture being celebrated in one of Scotland's most cultural cities and the rights of people to take part in festivities. We are now in a very difficult time in humanity where governments and councils are making it more difficult for people to express themselves and to protest issues which are affecting them. This right shouldn't be compromised in order to keep the peace as I think oppressing people causes more tensions. With regards to the effect of holding such events has on residents, I would mention that events usually take place in busy urban settings where residents should be used to high levels of noise and visitors. This applies to local businesses who will most likely profit from such events anyway. I think it would be tragic to curtail such events, especially when they attract visitors from all over the world and add uniqueness to a city that prides itself on being culturally diverse.</p>
87	<p>I am not a resident of Edinburgh, though I was at one point, for four months, when I was a visiting student at the University of Edinburgh. I'm from Virginia and believe me when I say, there is nothing like the Samhuinn fire festival in Virginia. As a pagan living in a Christian majority town, state, and country, I practice my religion in secret - I had never been to a pagan festival before and had never gotten the chance to practice openly. While this was my choice, it was one made out of fear because Virginians (as well as my own family) are not the most open minded people. When I was in Edinburgh this past October, I attended the Samhuinn festival. This was my first experience which allowed me to be openly pagan and celebrate my sacred holidays. It was amazing. I was standing in my favorite country on earth, in my favorite city, in my favorite spot (the Royal Mile) watching a deeply sacred and beautiful religious event unfold with tear filled eyes. It was life changing and made me fall in love with Edinburgh even more</p>

	<p>than before. It was truly the greatest gift Edinburgh has ever given me (though the gifts are countless). I beg of this Council that you might reconsider the restrictions or give special circumstances to religious and cultural events. Who knows how many more people may come running to Edinburgh and need their lives changed and hope restored. This festival could (as I'm sure it already has) increase tourism for the autumn season and place Edinburgh on the world's map as a forward thinking, open minded city who celebrates all religions and cultures with gusto and pride. Samhuinn means so much to me and I have plans to return to Edinburgh for graduate school and to live permanently one day- this festival was a highlight of my study abroad and something I am greatly looking forward to seeing again. Edinburgh is the greatest city in the world with the greatest people in the world- please do not stifle their voices. Let them ring out clear and true and expression themselves totally, openly, and in respect to the ancient religious traditions of their country. Thank you for your time.</p>
88	<p>I appreciate the council have to protect business and residents however think the measures are too restrictive and will have a negative impact on tourism and the inclusive, viberant, multicultural feel of the city.</p>
89	<p>I can understand that the Council is under pressure to support and facilitate the large number of marches, processions and parades that come through this city. But I don't believe that these conditions are the right way to work through the issues we as a community are facing.</p> <p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
90	<p>The core elements of the Beltane Fire Society response are that:</p> <ul style="list-style-type: none"> •The code and policy must explicitly factor in the benefits processions can bring into decision-making about proposed processions; •Clear provision must be made to support applications that run smoothly and are rehearsed and well run, minimising and reducing impact on residents and potential risk of disruption; •The code and policy must set out clear and specific criteria and processes relating to exemptions to notice periods, including on TTRO; •The TTRO notice time limit must be reduced to a minimum of 10 days; •Use of the High Street and City Centre must be prioritised and weighted toward

	<p>community events and processions, and retained for use by the community, with no new restrictions placed on use;</p> <ul style="list-style-type: none"> •Where noise restrictions relate to ceremonies in venues such as churches, a clear process and cut-off point for notification that a ceremony is taking place must be made clear and included in the policy; •Due to the infrequent nature of evening processions, restrictions on related noise should only put in place from 11pm to 7am, bringing the policy in line with recognised night-time hours limitations and the requirements placed on other similar sources of noise; •The policy should include a clear set of criteria specifying the circumstances under which a procession would be subject to cost recovery, and that charges/levies must be implemented in such a way that would not act as a prohibitive measure against people exercising their right to freedom of peaceful assembly under Article 11 of the European Convention of Human Rights. <p>Fundamentally, the Beltane Fire Society believes these plans in their current form are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. While the intent may be simply to revise and clarify existing measures, the impact for organisers is such that changes would be implemented that actively discourage community processions and infringe rights.</p> <p>We call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
91	<p>As stated above, the new policy includes several good points and shows the Council's willingness to find compromises to ensure the safety and satisfaction of everyone.</p> <p>However, the proposal has several instances in which it feels painfully close to infringing on the right of freedom to peaceful assembly, as well as curtailing the cultural vibrancy that makes Edinburgh special. It would eliminate many processions organised by smaller community creators that don't have the means to do long-term planning or large financial investments and even threaten big established events such as the long-running Samhuinn Fire Festival with its music and formation restrictions as well as restrictions on the Royal Mile and the city centre in general. It would also hugely impact on protests developing in response to current events, which are an important form of civic engagement.</p> <p>Rather than ensuring safety and the least amount of disruption to tenants and</p>

	<p>businesses it would be a loss of important cultural content that will leave Edinburgh a poorer place, and I believe that considerable revision of the proposal is necessary to reflect and prioritise the needs of community groups.</p>
91	<p>I have referred several times to the threat certain articles pose in effectively ending Samhuinn festival. I would now like to speak specifically in defence of Samhuinn. Samhuinn is unique in Edinburgh, as an unticketed and non-profit public performance event in the centre of the city. It brings art, beauty, and a sense of spontaneous magic to the public where they are. It is a celebration of the heritage of Scotland, and of Edinburgh's civic community. It is, for many of its members and attendees, a sacred religious festival. Samhuinn's free and non-profit status is important: it is able to exist solely for the enjoyment and uplifting of its audience and its performers. Those present are able to feel welcome as public celebrants rather than as paying customers. In all this, I believe it serves a role that is not filled by Beltane festival, the August festivals, or any other major Edinburgh event.</p> <p>Samhuinn is a deeply beloved institution of the city, going into its twenty-first annual festival with a strong track record of responsible and proportionally incident-free events, as well as a commitment to ongoing improvements in its practices. It has a strong core of veteran public events leaders, and, due to its community spirit and its ethos of volunteering and skill-sharing, has helped to educate its hundreds of members in the better running of public events all year round. All BFS participants are thoroughly drilled in the creation of a positive and welcoming event atmosphere, and the importance of public relations, and proper events safety practice.</p> <p>I believe that Samhuinn serves the public interest for all of these reasons. However I would also like to mention the profound value that Samhuinn and the Fire Society has to me personally, as a positive force in my life and the lives of all those who are close to it. So I would ask that the relevant parties look kindly on Samhuinn, when considering the impact of the proposal.</p> <p>Additionally, the proposal is presented in a way that implies it is not intended to significantly affect the majority of processions. In the introduction it states explicitly "The vast majority of parades and processions pass without difficulty". However, several of the policies proposed would in fact severely restrict the actions of almost all processions, or would create a significant amount of additional work organisers have to do to hold processions. It concerns me that this contradiction has not been addressed. In practise, the difference between reasonable guidelines and draconian restrictions will come down to the interpretation of key clauses in this proposal which have been left unspecified. For example there is a reference to "exceptional circumstances" which would exempt processions from the prohibitively long 12-week notification period. However there's no explanation of what this crucial provision would entail. There is also no explanation of what the criteria would be for imposing cost recovery. Or</p>

	<p>how the restrictions for processions occurring near ceremonial events should work. Given the profusion of churches and ceremonial spaces in central Edinburgh, the effects of this clause could be drastic.</p> <p>I would also like to see, throughout all sections, more consideration for how the complications arising from these measures would obstruct small, community-led groups much more than large commercial operations, and concrete proposals for ways to limit this effect. It is crucial that we preserve the ability for small or informal groups to organise public events easily, so that this culture of public events remains in the hands of Edinburgh's community, rather than a small group of powerful institutions.</p> <p>I believe that Edinburgh's strong support of public, community-led street events is a fantastic thing, and part of what makes Edinburgh the city it is. Street events are a large part of the city's public face. They reaffirm that our city is a community, made up of engaged, creative and proud civic citizens. The impact that this has on residents and visitors to the city cannot be overstated, and should be weighed against concerns about the effects of processions. I believe that the proposal, as it stands, would (perhaps inadvertently) significantly damage this community, as well as the implementation of the right to assemble.</p>
92	<p>No music after 6pm is too strict</p> <p>The formation rules are ablist</p> <p>Stopping playing to pass legal/religious/cultural ceremonies. Who dictates what qualifies?</p> <p>Clearer guidelines needed about how to estimate numbers of attendees.</p>
93	<p>I am concerned that this policy seriously restricts the right to freedom of peaceful assembly and freedom of expression for all the people of Edinburgh. I believe it is important to specifically enshrine the rights of community groups and prioritise the holding of community events in the city centre. I believe that it would be harmful not only to members of various community groups and organisations but to the city as a whole to introduce policies that would tend to restrict the liveliness and diversity of our city. I fear that moves to keep community events and processions out of the heart of the city would diminish that heart, and regulations designed to limit disruption for tourists, for example, would in fact gradually lead to a reduction in the pleasure tourists take in our lively city.</p>
94	<p>I hoped to respond more fully to this consultation, but wasn't able to find the time. I therefore just want to quickly note that the 1 marshal per 10 participants suggestion is completely and utterly ridiculous. You're going to end up with too many cooks.</p>

	<p>Pedal on Parliament has been running for 5 years now with, as far as I am aware, no problems. They certainly have had nowhere near 1 marshal per 10 participants. Anything which would prevent such a demonstration in the future should be removed from the proposed document.</p>
95	<p>My husband and I will be visiting Scotland as tourists this autumn and our plan was to be in Edinburgh for the week of 29 October to 5 November. We chose this period specifically to participate in the Samhuinn Fire Festival. Should the fire festival be destroyed by restrictive policy implementation that favours corporate and ticketed events, we will not come to Edinburgh at all. Our money will be better spent elsewhere.</p> <p>Fundamentally, I believe these plans are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh, for the reasons set out in previous answers. I call upon the council to do all it can to make changes which prioritise the needs of community groups and ensure the continuation of cultural and community events in the heart of the city centre (such as Samhuinn Fire Festival).</p>
96	<p>Sir John Orr compiled a report on Parades and Marches in Scotland (2005), commissioned under a right-wing Labour Scottish Executive, in which the Orange Order petitioned successfully for the "Right to March". Now i'm not against marching. But the Orange Order have got one hell of a cheek in cementing for them in law the right to march, of which reports like this were crucial to any legislation that spawns from the Human Rights Act brought into law on the 2nd of October 2000 with cross-party support.</p> <p>I read this report. For a former Chief Constable of PSNI to write a report such as this, and be privy throughout his career to what is now being declassified, despite the obvious which is readily available with basic internet searches was an absolute disgrace. What you find with basic internet searches, is what is NOT in his report describe the Orange Order, or Republicans for that matter. Now don't get me wrong - I'm not a catholic. But you'll see why i am writing these comments.</p> <p>I was on the wrong end of loyalist harassment for a pro-longed period. It was a noise, stalking, harassment, intimidation campaign intermittently during the YES campaign and campaigning for Tommy Sheppard MP, and prior. Without going into that, my report which is currently being written surpasses and expands on the ideology of the Loyalist Orange Order, the past and modern political landscape in Northern Ireland, and covers the paramilitaries, the structure of the Orange Order and its political and social aims. It describes itself as a "movement", with senior members long serving Conservative or Labour members. Entryism is a key part of their strategy, as they attempt to co-opt even</p>

SNP councillors lately over in the West.

Professor Rose of Edinburgh University said "the Orange Order should be tolerated". Well, he hasn't even read my report, yet. But he will as well.

Briefly, it's well known that loyalists make a pilgrimage to loyalist areas of Belfast around the 12th of July. Since the Good Friday Agreement (GFA), peace walls have increased dramatically since the bombs stopped leaving more division. A driver for this division paramilitaries still active which the diplomats did not go far enough with. For example, my report will contain facts and figures of punishment beatings on the rise since GFA, and testimony that paramilitaries control the communities with fear and intimidation and the PSNI are powerless against this, despite The Human Rights Act protecting those communities. Photos of former First Minister Arlene Foster with Community representative Winston Irvine (who is an alleged UVF commander), just for example. The DUP and more radical and more reactionary PUP are riddled with ex-maize prisoners who have shown no remorse for the carnage and murder that they themselves have committed, and top that off I have reports that one of the Shankill Butchers - who murdered innocent people and carved them up with butchers equipment discarding them in dark alleys to be found - released under GFA are members of the Orange Order still.

In 1970 research indicates the Nazification of the Orange Order. I have recent photos of The Union Jack, paramilitary flags and the swastika flown concurrently in communities in Northern Ireland. Famous words word carry from that time are "If politicians fail us we will have to liquidate the enemy ourselves", spoken then by David Trimble. I have witnessed loyalist flute bands reiterate this during the the Scottish Referendum. I have photos of loyalists from even Edinburgh kennelling under a UVF sign doing the Nazi salute.

Crucially I have the very person as to why this started for me wearing an orange sash - given why i decided to research, speak to loyalists outside my community to understand the mindset of the loyalist (even self-professed member of the UVF), and respected opinions from left and right of the political divide. Did you know it costs £3000 for a UVF member to leave the organisation? You do now. The policy wouldn't work in Scotland, In Northern Ireland it's forced retention - like Hitler Youth. it perpetuates loyalism. Loyalism is more advanced in its political and social objectives - but it actively is working against the loyalist communities over there and betraying the very things it was worn to protect - ulster, protestants, loyalists and unionists, and people from here STILL migrate and mingle and share culture with people like that. This is where they get their methodology on harassment on the loyalist community - which found its way over here.

Forced to go to City Hall and protest in Belfast, for example or they know they get

<p>shot in the legs or a punishment beating. The sources of this will be in the report to Tommy Sheppard MP, who is aware a report is being compiled for him by me.</p> <p>At this time i await a report from the Scottish Police Authority and the Scottish Fire and Rescue Service.</p> <p>Please make no mistake. I am serious.</p>
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Appendix 4 - Proposed Policy and Code of Conduct for Public Processions: Consultation written comments

NOT PROTECTIVELY MARKED

Hello Gordon

We have now had the opportunity to consider your document and would offer the following comments for consideration:

P19 - section 3 Provisions of the policy and code of conduct - 2nd para:

There is a presumption here that Police will be at all processions/marches - this is not entirely the case. Each march/procession will be considered, including any intelligence that may have been received, conduct of participants of a similar parade and whether it is deemed there is a risk to public safety, public order, a risk of damage to property or disruption to the life of the community. After all of this has been considered we may not have a police presence at said procession.

P9 - reference to Section 65 Civic Government Scotland Act 1982 regarding changes to the law in relation to processions, it would be helpful both from a Policing point of view and that of the public/organiser, to make specific reference to the offences under sec 65 CG(S) Act 1982 within the guidance.

Page 13 - Notification process - makes reference to TTRO, consideration should be given here to include the likely possibility of there being a cost element to the organiser or council if a TTRO is required. Alternatively under Information Needed - para 2.1 and (appendix C) consideration to be given to include Proposed Traffic Management Plan required and again highlighting possibility of cost. Police Scotland's policy regarding TTROs has now been published internally and is likely to be sent to Cosla and Local Authorities imminently. This outlines that the staffing and management of TTRO's will now be considered under our charging policy. Whether this cost is then absorbed by the council or the organiser requires to be discussed and mention of a cost element within your documentation should be considered.

Page 23 - bullet point re Stewards and Marshalls - what standard of training and proof of status for Stewards and Marshalls has been determined by the Council?

Page 27 - Appendix B pt 15. Who shall take responsibility of identifying what ceremonies are taking place within any place of worship, or any other location where a recognised religious, cultural or legal ceremony is taking place.

We would ask you to consider these points. Please come back to me if you have any further queries.

Regards

Gill Geany CI Service Delivery

Edinburgh Division

Police Scotland

St Leonards PS

Gordon,

I'm sorry that my response has taken so long to get organised.

SFRS supports all aspects of the Policy and Code of Conduct. The document is very comprehensive and I can relate to some of the issues it covers, having been at a few meetings in the past where there were some concerns raised about the organisers' motives and competence.

In Section 3.3 (The Proposed Route) the presumption is that processions, where practical, will avoid residential areas. SFRS supports this stance: it reduces potential obstructions in areas where life risk is greater and there is already congestion created by parked vehicles.

In the same section the restriction on the width of the procession to six abreast, leaves the possibility of SFRS appliances entering streets where a procession is in progress. It is accepted there may be no separation of pedestrians from SFRS vehicles, but SFRS drivers are trained to consider these possibilities as part of usual business.

Likewise, splitting the procession into sections, when necessary, to avoid dislocation of traffic can only be helpful for SFRS attending fire related incidents. The obvious reason is to allow freer passage of appliances, but there is also the reduction of congestion of other traffic held up by processions crossing its path. This is particularly concerning while some busy city centre routes are closed for long term road works and traffic has been diverted to alternative streets.

SFRS does not favour the use of the High Street for processions. Depending on the start point, it is possible for a procession to cross three busy vehicular routes, with its resultant congestion. In addition, the recent installation of the National Barrier Asset is seen as an obstacle to any procession, and defeats its purpose of separating vehicular traffic from large crowds of people. The pinch points created by the barriers also adds to the complication of attending calls in this area.

On a general note, the revised application form is good in its layout and progression of information required from any organiser or potential organiser.

A couple of administrative observations

1. The Contents list at the beginning of the document does not appear to correspond to the section numbering in the body of the text;
2. In Appendix B, Point 8, there appears to be an extra 'not', i.e. "... parade/procession shall not walk not more than six ...";

3. Section 3.7 Cost Recovery: reference in second paragraph to Temporary Traffic Restriction Order, should be Regulation.

I trust this helps but please get back to me if there is anything else you need.

Kind regards,

Andrew Clark

Civil Contingencies Officer Response and Resilience Directorate

Scottish Fire and Rescue Service, McDonald Road, Edinburgh, EH7 4NS

Hi Gordon

We (Roads) require significantly longer than 28 days due to the internal & external (Scottish Government) processes if a Legal Order is required to facilitate an event.

The type of TTRO, either a Notice or Legal Order, isn't something an organiser would necessarily know when they apply for their event so we would ask that applications take into account the longer duration. The types of TTRO are as follows:

Notice (minimum 2 weeks' notice required to implement)

Restrictions on **minor** roads and **not exceeding 5 days** in duration.

Legal Order (minimum 12 weeks' notice required to implement)

Restrictions on **major** routes or lasting **6 days or more**.

As you can see the Legal Order takes significantly longer than a Notice. The main reason is that we have to get the completed signed off schedule across to the Scottish Government 6 weeks prior to the first restriction coming into force. A schedule can go through a number of different draft versions prior to us being able to get a final draft signed off by the Locality Transport Environment Managers, all of which takes time and can be held up if EPOGs are delayed during our busier periods throughout the year.

I hope this helps.

Regards

Derek Shade

Derek Shade | Senior Transport Team Leader | Network Operations | Roads Network

SAVE PAPER - please do not print this e-mail unless absolutely necessary



Beltane Fire Society

Licensing Sub-Committee
City of Edinburgh Council
Waverley Court, 4 East Market Street
Edinburgh, EH8 8BG

24 June 2017

Dear Sub-Committee members,

Re: Proposed Policy and Code of Conduct on Processions

We are grateful for the opportunity to write to you directly regarding your consideration of the Proposed Policy and Code of Conduct on Processions.

While we support the need for a policy and code of conduct, we do feel that a number of elements in the proposals need to be adapted to ensure they do not unduly impact on our city's community culture and the rights to freedom of assembly and expression. In this letter we seek to propose solutions which we hope you will consider in order to address these issues.

Summary of our proposed solutions:

1. Include recognition of / provision for fact that processions differ in type, risk and potential impact;
2. Set out benefits and positives that processions - particularly those run by not-for-profit organisations and communities - can bring, to ensure they are factored into decision making;
3. At each stage across the policy and code of conduct, set out in practical terms how the rights to freedom of expression and assembly will be considered and protected;
4. Include clear and specific criteria and processes relating to exemptions to notice periods (including on TTRO), and also the circumstances when cost recovery would be considered;
5. Reduce the TTRO notice limit to 28 days;
6. Explicitly state that city centre spaces - such as the Royal Mile - are critical for community, and that as such, use by community members and groups in order to exercise their rights to freedom of expression and assembly should be actively facilitated and supported;
7. Bring period of time for restrictions on related noise in line with recognised night-time hours limitations and the requirements placed on other similar sources of noise - 11pm to 7am.

Reasoning

We believe the proposals as set out in the public consultation earlier this year would discourage and disadvantage community groups (such as arts charities like our own) in relation to use of key community spaces, and as a result are inconsistent with the right to freedom of peaceful assembly and freedom of expression for all of the people of Edinburgh. While we appreciate the intent behind the detail may be simply to revise and clarify existing measures, none the less the impact upon groups such as our own - and in so doing, the culture and community of Edinburgh - may be significant.



We call upon the committee to address these concerns and ensure the final code of conduct and policy accurately and fairly balance the needs of community groups with those of the Council to ensure the continuation of cultural and community events in the heart of the city centre (such as our own Samhuinn Fire Festival).

About Beltane Fire Society

The Beltane Fire Society is a secular registered charity and company limited by guarantee which consists of around 600 Edinburgh volunteers. The society exists to raise awareness about the traditional celtic seasonal festivals, to promote participation in the Scottish traditions of street theatre, music and pageantry, and to advance community performing arts through the development of skills and community collaboration.

With the help of our volunteers we stage public celebrations marking ancient Celtic festivals of the turning seasons in the heart of Edinburgh. These festivals have become key events in Edinburgh's cultural events calendar.

Our Beltane Fire Festival - which was held for the 30th time this year - is ticketed and takes place on Calton Hill on 30 April each year and marks the traditional celebration of the birth of Summer. Our other major event, Samhuinn Fire Festival, is a free procession event, taking place on or around the Royal Mile each year on 31 October, marking the birth of Winter. Both events are internationally renowned, witnessed by 4,000 - 10,000 people from across Edinburgh and further afield. For further detail, please visit www.beltane.org.

Individual concerns: detail and proposed solutions

SOLUTION 1: Include recognition of and provision for fact that processions differ in type, risk and potential impact

1.a) Reasoning: The proposed policy in its current form does not recognise the full range of event formats that can fall within the term 'procession', and the difference in measures that may be appropriate to each. For example, an organised and rehearsed arts event - such as our Samhuinn Fire Festival - is very different to a protest march; and yet the proposed policy does not explicitly account for this.

Given the fact that the introduction states that vast majority of city centre events "pass without difficulty", we believe this proposed policy and code of conduct should allow specific provision to ensure that well run, culturally valuable events (such as Samhuinn Fire Festival) are retained and protected, rather than restricted to the point that they cannot take place. We believe this should be made clear and explicit from the outset of the document, for the avoidance of doubt and in the interests of transparency.

As specific examples, the proposals do not currently factor in that there is significantly reduced risk/potential for disruption posed by: rehearsed events rather than marches; arts events rather than protests or events related to politics; those events with an established history of a minimum of incidents or disruption and good working relationships with relevant authorities; and events which are organised with sufficient trained and appropriate stewards.

In the addition, proposals include measures such as a prescribed marching formation (no less than four side by side, and no more than six), which do not take into account the various forms which a procession can

take (i.e. it assumes marching and doesn't allow for other styles of performing or when floats, puppets or other larger decorative items are included in the formation).

1b) Solution: We would suggest that an appropriate solution would be to clearly set out a low, base level of requirements that would apply to all processions, supplemented by a 'pick and mix' set of potential additional measures or conditions which decision makers can apply as required dependent on the type - rather than setting a more restrictive blanket approach for all. This would allow appropriate measures to be put in place for those which have potential for high risk, disruption etc, but not place undue restriction on those which do not carry that same potential - and provide clear and transparent process (rather than ad hoc exceptions).

For example, set categories for event types (such as protest march, rehearsed arts event etc) could be aligned with relevant potential measures - with lighter and more appropriate restrictions for community cultural and rehearsed events, and if organisers can demonstrate they have excellent records in organising existing events without incident, and that adequate measures are in place to restrict any undue impact. This could also reduce the administrative burden on the Council, as certain types of procession could potentially require less paperwork.

SOLUTION 2: Set out benefits / positives that processions - particularly those run by not-for-profit organisations and communities - can bring, to ensure they are factored into decision making

The current proposed text (such as s2.3) does not provide detail on how decision makers will take into consideration the positives that a proposed procession brings when deciding whether to grant permission for it to take place. These factors should be set out (such as economic benefit to the local community, cultural benefit, community benefit, success of implementation in past, etc) and the importance of and process for factoring in community and cultural benefits stressed, so that it cannot be overlooked.

Additionally, the aims set out in the introduction include that the policy should be 'implemented fairly'. This must ensure that community organisations and groups must be supported and given consideration, as they will not have the same ability (as larger organisations might) to plan in advance, pay relevant fees, and navigate bureaucracy. Without additional consideration for smaller community organisations, the proposed policy could be considered inherently unfair; we believe this must be explicitly addressed in the introduction, and throughout the policy and code of conduct.

SOLUTION 3: At each stage across the policy and code of conduct, set out in practical terms how the rights to freedom of expression and assembly will be considered and protected

The proposed code of conduct and policy does not demonstrate how the first proposed principle - 'rights to peaceful assembly and freedom of expression' - is to be safeguarded, prioritised and woven into the new policy. The processes and points where consideration of this right will be manifested should be explicitly set out, both in the introduction and throughout the rest of the code of conduct and policy - in order to ensure they are not overshadowed by of other matters or considerations.

SOLUTION 4: Include clear and specific criteria and processes relating to exemptions to notice periods (including on TTRO), and also the circumstances when cost recovery would be considered

4a) On exemptions: In regard to notice periods, the proposals state that "The Council can in limited circumstances exempt certain processions from requirements to give notice timeously". This statement does not give detail on what these circumstances are, and also if this exemption would apply to the 12 week requirement for road closures (given that almost all processions will involve road closures). In the interests of transparency and clarity, specifics on the nature and criteria for exemptions must be set out (as well as the process for flagging these), and specific process regarding the impact on road closure notices made clear.

If the 12 week notice for road closures will apply even when the standard 28 day notice exemption is given for permission for a procession, this strict timing removes the ability for communities to express their opinions in reaction to high impact political or other events.

4b) Regarding section 3.7 on cost recovery: The policy should include a clear set of criteria specifying the circumstances under which a procession would be subject to cost recovery. Charges/levies must not be implemented in such a way as to act as a prohibitive measure against people exercising their right to freedom of peaceful assembly under [Article 11 of the European Convention of Human Rights](#). Without clear criteria and specific amounts, this is a real risk.

SOLUTION 5: Reduce the TTRO notice notice limit to 28 days

The proposal to introduce a 12 week required notice period for TTRO would effectively make a 12 week notice period essential for all - or at least the majority of - processions, given the nature of Edinburgh's layout. This would preclude many community groups from arranging events, and allow the community no recourse for protest marches or freedom of expression in response to events as they arise.

[The Road Traffic \(Temporary Restrictions\) Procedure Regulations 1992 Part II Regulation 3](#) states that for a temporary order 'Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order'. As there are no statutory requirements for the Council to fulfill prior to the 7 days, it would be fair to suggest that the 12 week notice period unfairly infringes upon the right to freedom of peaceful assembly under [Article 11 of the European Convention of Human Rights](#) and is disproportionate to the actions required on the part of the Council to fulfill their obligations.

As such, we would suggest a far shorter notice period – such as 28 days, and be much more achievable for community groups and organisations - as well as preventing the potential for ad hoc unapproved protest-related processions in relation to current events, which could not provide 12 weeks notice.

We would also suggest that where issues with requirements for notice periods for road closures via Police Scotland and the Scottish Government arise that challenge this the need for a shorter notice period, that the Council strongly consider instead prioritising the defence of the fundamental human rights of its citizens.

SOLUTION 6: Explicitly state that access to city centre spaces - such as the Royal Mile - is critical for community, and that as such, use by community members and groups in order to exercise their rights to freedom of expression and assembly should be actively facilitated and supported;

We believe the principles should include a clear statement regarding the right the community has to use and express itself in the heart of the city. Spaces such as the High Street and Grassmarket are critical to local culture and community, and community use of them should be prioritised when deciding whether to approve procession applications.

Our city centre is the heart of the capital; to effectively exclude processions from it is to take the soul of our city. Edinburgh city centre, and the High Street in particular, has long been a popular and widely accepted location for community activity. Established community activity areas should be protected and retained for continued use by the community - not only corporate events/festivals or state/military processions. While clearly the public and residents should be able to go about their daily lives and business, the policy should explicitly state that disruption will be considered minimised through measures relevant to the specific type of procession (as described in Solution 1 above), including: appropriate stewarding, presence of first aiders, presence of fire-trained individuals (where appropriate), engagement from relevant organisations (e.g. police), signs on procession route displaying advanced notice of activity, and so on. Such measures would allow all parties to exercise their rights regarding key community spaces in the city.

SOLUTION 7: Bring period of time for restrictions on related noise in line with recognised night-time hours limitations and the requirements placed on other similar sources of noise - 11pm to 7am.

Regarding music curfew of 6pm (section 3.2): Banning procession-related music after 6pm in the city's core spaces for community processions is disproportionate. The proposals do not fit with existing designations and regulations and appear arbitrary. In addition, if rolled out they would mean the end of our popular and long-standing Samhuinn event, a 20-year institution in the heart of our city that is an expression of our cultural heritage; a free event for the people of Edinburgh that is attended by thousands and runs without issue, including with minimal complaints from the community and residents. While we are informed that exceptions may be made, we do not feel that exceptions on an ad hoc basis, without clear process, provides sufficient clarity or transparency to allow us to plan future Samhuinn events.

Imposing a 6pm curfew on procession-related music is disproportionate to the inconvenience caused to others in comparison to the benefits that such events bring. According to a report produced by Edinburgh City Council ([Noise and Vibration - Edinburgh Council](#)), the most common sources of audible noise are road traffic, air traffic and neighbours, with domestic noise alone constituting the majority of noise-related complaints (domestic music 65%, other domestic noise 8%). Noise from entertainment or leisure is comparatively low, with reportedly less than a third of people hearing any noise from entertainment sources and only 1% of people possibly being moderately, very, or extremely disturbed by such noise. Of the typical sources of noise disturbances highlighted in section 30.17 of the report, noise from processions is not mentioned and therefore we would suggest is not a major source of entertainment-related noise. Considering this, it is likely that the majority of noise audible from entertainment or leisure sources relate

to static entertainment venues. It is also worth noting that the majority of processions already take place during the day, with minimal disturbance caused by later processions. This makes the 6pm curfew on procession-derived noise unnecessary and ineffectual in addressing the major sources of noise disturbance issues.

In addition, the [Noise and Vibration - Edinburgh Council](#) report specifically notes that "the city's very large visitor population, with its associated festivals, events and entertainments is a major pillar of the economy". Events such as those provided by the Beltane Fire Society are recognised as major attractions which help to increase economic activity and promote positive engagement with both visitors and city residents. To curtail such activities would be highly detrimental to Edinburgh's status as a vibrant, entertainment-rich city and this would result in a marked decrease in economic activity.

European Noise Directive Annex 1 provides a definition of the various time periods to be considered in relation to noise levels. It states the following: "the start of the day (and consequently the start of the evening and the start of the night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time". From the Council report [Noise and Vibration - Edinburgh Council](#) that the Council has retained the times in line with European standards, defining the end of daytime hours as 7pm. It should also be noted that other sources of noise from entertainment and leisure are not restricted to the same curfew. As such, the restriction of procession-related noise from 6pm is disproportionate and not in line with other policies and legislation. We would propose that, due to the infrequent nature of evening processions, restrictions instead be put in place from 11pm to 7am, bringing the policy in line with recognised night-time hours limitations and the requirements placed on other similar sources of noise.

Regarding conditions on ceremony venues and noise:

The proposed conditions include reference to noise restrictions when a ceremony is taking place in venues such as churches, but does not set out how or when event organisers would be notified of this, or what the cut-off point for ceremonies to be arranged would be. In order for this change to be workable, a clear process and cut-off point for notification regarding this must be set out.

Concluding remarks

Thank you for providing us with the opportunity to discuss how these proposals might be made as effective and workable as possible. We value our partnership with City of Edinburgh Council and would be happy to discuss these proposals with you in any way that would be useful.

Yours sincerely



Erin Macdonald
Chair, Beltane Fire Society

Beltane Fire Society is a charity registered in Scotland, Charity Number: SC040137
Company Number SC341753

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Dear Mr Hunter,

I write with reference to the above and wish to add the my submission, which you'll find which has the response ID ANON-G2FW-NDNM-3.

You'd have to read my submission to see this addition in context of that submission which closed on the 31st of March 2017.

I would be grateful if you could add the following :

" the proliferation of the marches harbours the far-right tenancies of the movement as they further increase in numbers. In areas such as Dundee, Livingston and Falkirk members double up from bands in Glasgow and Edinburgh, simply to create a presence in the area to make them look larger than they actually are, but helping to spread the ideology further. The then Labour Scottish Executive didn't get all this in Sir John's report into Parades and Marches in Scotland in 2005 which was a disgrace - given his position as a former Chief Constable of Lothain and Borders and PSNI and privy to classified information. He would also know that loyalists as part of an intimidation campaign they stalk, harass, intimidate and create noise campaigns over there. He has failed to mention any of this. And now I have reports of this happening to people in loyalist communities done by UDA members in Northern Ireland. This will go to Tommy Sheppard MP also. I will also put to Tommy what has happened to others in Edinburgh and Clydebank that report. Pure sectarianism.

Sir Johns report States there are "911 lodges in Scotland with 300 members in each", which puts their number at 273,300 (5%) Scotland since 1795 - the year of the Orange Orders creation, and the number is only going to grow, organically in the next 50 years. Not everyone harbours far right tenancies, but that does not stop the potential and appetite for sectarianism. However, Northern Ireland is out of control and deeply divided along sectarian lines and as stated an increase in the number of peace walls since GFA. People are defined by what community they belong to, not by what they wear, but by what exit and entrance they use at the peace wall over there and stabbings occur. The hatred over there is palpable. One loyalist from Bellshill said to me he wanted a wall separating him and Catholics - so the appetite for sectarianism is there. Just watch Trainspotting 2. I even have photographs of orange lodges displaying UVF banners at socials, and have sourced material that some flute bands bare names of people known within their culture for acted and murdered and died under UVF banner, ie Falkirk endorse UVF killer Brian Robinson.

In fifty years are we going to see bonfires breakout on the 12th July from Aviemore to Arthur's Seat? Are we going to see members who aspire to be in the UVF being forced to pay thousands of pounds to buy themselves out or face punishment beatings that they're too afraid to report to police in Scotland in 50 years? We already see them linked to drugs, transportation, etc etc even in Scotland.

On the marches, what is important is that the marches provide loyalists to convalesce and when trouble breaks out after hours - where ever that happens in the City - to my knowledge, police don't associate or investigate the background (using social media and backdoors to android to devices) of perpetrators which would and could link their

background to their reason for their presence (hence the march or some sort of cultural event) earlier that day for example. I see this as a current weakness if not in policing strategy, but in policy and criminal justice procedure as a whole, with the exception of relatively new Acts surrounding football - but that's football, not marches.

With the greatest of respect if this worries you, it should and ask you to consider my submission and this addition."

Kindest regards.

Yours sincerely

Rob Allan

Just writing to ask you to please leave festival as is. As yet I have been unable to attend, but have spent time in the past in both your country and beautiful city and hope to find the festival as is. Please protect the venue and history of same.

Sincerely,
Kenneth LaFord



The said change in the events schedule is there any chance on said changes to the laws being placed on said events yours Faithfully Gary J Kelly

Dear Mr Hunter,

I write to you in regards to the proposed policy and code of conduct for public processions. Specifically I write for you my objections to these considered changes in regards to the Samhain festival by the Beltane Fire Society. It appears having read the worries from the organisers and read the proposed changes that this may greatly inhibit and even cease the yearly celebration. As you are very aware, many people flock to Edinburgh to this event as well as their Beltane event. Edinburgh has been a bustling place for a long time, and having such events take place brings in a part of our history that is so often overlooked. Paganism and witchcraft have been relegated to the parts of stories often used to scare tourists and children, which is unfortunate. The revival of old pagan festivals by the Beltane Fire Society has provided a public event for pagans to participate openly as well as education for the public. It is a vital service they are providing in this regard. Pagans and paganism is a strong part of Scotland's history and of Scotland's future. It's important that we have the kind of public celebrations that are afforded to other religious and spiritual bodies. It equally important that education for our ways exists, which is rather sparse at the moment. The Samhain festival is a beautiful reminder of Scotland's roots before the invasion of Christianity, and acts as a reminder that paganism remains despite our trials and tribulations. It educates tourists and allows them an upclose experience of the energy we embody in our festivals as well as adding more depth to the richness of Edinburgh's history. There is no doubt that Edinburgh is a rich tapestry of stories and events. It would be a terrible waste to prevent a large chunk of that history and the descendants of that history from continuing to enrich and engage the public, and provide a sense of community for today's pagans that is so sorely lacking.

Kindest regards,

Maranda Willson

Proposed Policy and Code of Conduct on Public Processions

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Appendix A Ward 11 Map

Appendix B Standard March Conditions

Appendix C Marches, Parades and Processions in Edinburgh
Notification Form

Appendix D Flow Chart

1 INTRODUCTION

Edinburgh is a multicultural city which has a tradition of public processions and demonstrations. The use of the term 'procession' covers all parades, marches, cavalcades and demonstrations where demonstrators proceed from one point to another. They can be organised by civic, cultural, political, religious, community, arts interest groups or other organisations.

The number of parades and processions is significant given the city's role as capital city. Whilst there are many positive aspects to these parades they also pose a number of challenges to the city.

These challenges result from:

- The significant number of processions other events and roadworks throughout the city, of which a large number progress through the city centre;
- the increasing importance of retail, leisure, business and conference tourism to the city and the impact which such a significant number of processions has upon these sectors;
- disruption caused to public transport and traffic flow in the city, particularly in the city centre;
- instances of low levels of public disorder experienced around some processions;
- feedback from residents and business, strongly favouring a reduction in the number of processions in local areas of the city and in the city centre in particular the High Street
- substantial physical improvements to the city, especially the significant investment in the city centre, which is vital to Edinburgh's economy; and
- increased costs to the Council at a time when pressures on overall public expenditure are increasingly acute.
- increasing costs required to police processions, in both financial resources and policing hours.

The vast majority of parades and processions pass without difficulty. However, there have been occasions when participants, followers or protestors have displayed an overtly controversial political or religious affiliation, which has caused complaints and offence to others members of the community. The Council cannot condone such behaviour which is inconsistent with a friendly, inclusive and tolerant city.

1.1 Legal context

This Policy and Code of Conduct has been prepared as a source of guidance for those organising processions for any purpose in public places. It is designed to assist procession organisers by providing both a checklist and a reminder of the points they will need to cover and the issues they will need to address at the planning stage of a procession and on the day of a procession.

The Policy and Code of Conduct operates within the guidance issued by Scottish Ministers to local authorities on 12 December 2006 under Section 65A of the Civic Government (Scotland) Act 1982. It sets out the changes to the law of Processions made by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and what the Council needs to take account of when assessing notifications to hold a Procession. It also sets out the steps that the Council should take when considering

whether it is necessary to prevent a procession from taking place or to attach conditions on it under Part V of the Civic Government (Scotland) Act 1982.

The Council must act within the law, apply the law correctly and base its decision on correct facts. The Council has to exercise discretion in a reasonable manner, act within its powers and be able to justify any condition or prohibition in relation to the specific circumstances of a procession.

Part V of the Civic Government (Scotland) Act 1982 section 63(8) sets out the relevant considerations¹ which the Council must take into account when considering a notification received from a procession organiser and whether it is necessary to prohibit or impose conditions. These conditions include the following:

- public safety;
- public order;
- damage to property; and
- disruption to the life of the community.

When considering all notifications for a procession, the Council will rigorously measure the impact of the procession against each of these four considerations, as set out in the legislation.

In addition, the Council will liaise with the police regarding the associated risk. This is one of the main factors in deciding whether a procession should be allowed to go ahead without additional conditions other than the standard conditions being placed on it.

Other legislative considerations that the Council must take account of are that:

- the minimum amount of notice that procession organisers must give to the Council about their intention to hold a public procession, is 28 days;
- the Council can in limited circumstances exempt certain processions from the requirements to give notice timeously;
- the Council must take into account the effect that a previous procession had on public safety issues and how far those involved kept to the Policy and Code of Conduct; and
- the Council must keep a list of processions that have been held in its area, or which have been prevented, to allow the public to see which processions happen regularly and which are likely to happen in the future.

1.2 Aim of Policy and Code of Conduct

The Policy and Code of Conduct recognises the need to achieve a balance between the legitimate desire of people to protest, to celebrate their history and cultural traditions, or to raise awareness of issues that they regard as important, and the legitimate right of non-participants to go about their daily lives with minimal disruption and inconvenience.

¹ Police, Public Order and Criminal Justice (Scotland) Act 2006 Section 71 (8) (a)

It is critical to its success that the Council works with the police and procession organisers to ensure that the Policy and Code of Conduct is:

- applied equally to the broad range of organisations that might wish to hold events in the city;
- implemented fairly;
- adhered to consistently; and
- monitored properly.

1.3 Key principles

The Policy and Code of Conduct is based on 3 key principles:

- the rights to peaceful assembly and freedom of expression, as outlined in European Convention on Human Rights (ECHR) legislation, are fundamental rights which the Council believes should be open to all;
- these rights are not absolute, however, and therefore they must be balanced by the responsibility to ensure that the rights of others are not infringed. These rights are subject to proportionate limitations where it is necessary to do so; and
- the exercise of these rights brings specific responsibilities, both to procession organisers and participants, especially in relation to those residents and businesses who may suffer from disruption directly or indirectly caused by a particular procession.

1.4 Definitions

In this document, the following definitions shall apply:-

“City” means the City of Edinburgh;

“City Centre” means that area of the city situated within the boundary of ward 11 (see appendix A)

“Council” means The City of Edinburgh Council, a local authority incorporated under the Local Government etc (Scotland) Act 1994 and having its headquarters at City Chambers, High Street, Edinburgh, EH1 1YJ, and reference to the Council shall, where appropriate, include reference to officers of the Council;

“Divisional Commander” means the Police Commander of the City of Edinburgh, including any successor or substitute.

“ECHR” means the European Convention on Human Rights;

“Feeder Procession” means any smaller or subordinate Procession that commences in a local area of the city and progresses to link up with other smaller processions and/or feeds into a larger, and usually the main, procession, of which it then becomes part;

“Follower” means any person who is an onlooker in support of the procession or someone who follows a procession along all or part of its route, but not a participant or a protester;

“Opt-in List” means a list held and maintained by the Council in accordance with Section 63(10) of the Civic Government (Scotland) Act 1982, as amended, of any organisation, individual, community council, or residents’ or tenants’ association, or similar, which has specifically requested to be advised by the Council of any procession in an area in which they reside, conduct business or have a representational role;

“Participant” means any person who actively participates or takes part in a Procession in any way or manner;

“Police” means Police Scotland, including any successor or substitute body which carries out the same or similar function, and reference to the police shall, where appropriate, include reference to officers of the police (including, where appropriate, reference to the Divisional Commander, the Police Commander or any other officer);

“Police Commander” means the designated police officer who is in charge of policing and public order on the day of a procession, or any other officer acting in the role of the police operational commander;

“Policy and Code of Conduct” means the entirety of this document which may be amended and approved by the Regulatory Committee;

“Procession” There is no statutory definition within the “Act” of procession, however for the purposes of this Policy and Code of Conduct the Council considers it to mean any organised, moving public procession in a public place and shall include cavalcades, commemorations, celebrations, demonstrations, festivals, marches, parades, protests, rallies, remembrances, ridings and walks, whether by individuals or vehicles;

“Procession Organiser” means any person who organises a procession, and completes and submits the notification form; and

“Return Procession” means any smaller or subordinate procession that, following the conclusion of the main procession, decouples there from and continues as a separate Procession to its local area of the city before its own conclusion and dispersal.

In this document, unless otherwise specified or the context otherwise requires:

- Words in the singular shall be construed to include the plural and *vice versa*;
- Any reference to a person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality) and words importing individuals include corporations and *vice versa*;
- Any reference to a statute or statutory provision includes any subordinate legislation which is in force from time to time under that statute or statutory provision;
- Any reference to any statute, statutory provision or subordinate legislation shall be deemed to include any reference to such statute, statutory provision or subordinate legislation as they may be amended or re-enacted from time to time.

2 NOTIFICATION PROCESS

All processions must be notified to the Council in writing by completing a notification form Appendix C). If a procession organiser intends organising a procession, he/she can pick up a notification form from the Council, may request one by post or submit a notification online (add hyperlink)

The Act requires a minimum of 28 days prior notice of a procession to allow time for any necessary discussions to take place, **except in those exceptional circumstances (as determined and agreed by the Council) where this period of notice would be impractical.**

Where a road closure or parking restriction is required a TTRO would be necessary to close any roads or to prohibit parking etc. The application process for a TTRO under the Road Traffic Regulation Act for processions and the timescales associated with this process means the Road Services team will require longer than the normal 28 day notification period required under the Civic Government (Scotland) Act 1982. A minimum of 12 weeks notice is required to allow the Council to meet its statutory obligations.

The procession organiser must give notification as early as possible in those cases where a series of similar processions is proposed, as doing so will help all parties concerned in the planning process. Having allowed for this period of notice, the procession organiser should send the form in their chosen format, keeping a copy for themselves, to the address detailed below at paragraph 2.6.

2.1 Information needed

The notification form (appendix C) asks for:

- the name of the organisation;
- the procession organiser's name, address and contact details;
- the reason for the procession;
- frequency of procession;
- the day, date, time
- the proposed route;
- duration of the procession and distance of route;
- details as to whether or not it is a feeder or return procession;
- details of other associated processions;
- details of any associated event at start or finish of the procession (i.e. static demonstration, rally in a public park, etc);
- a list of places of where recognised religious, cultural, or legal ceremony is or is likely to be taking place along the route;
- details as to whether or not the procession will be routed through the city centre and explanation for following this route;
- details as to whether or not consideration has been given by the procession organisers to an alternative to a procession (i.e. static demonstration, rally in a public park, etc);
- estimated number of participants;

- the number of stewards;
- the chief steward's details; and
- participating bands' details and approximate numbers of expected band members.

The procession organiser should read the notification form, along with this Policy and Code of Conduct, and, when completing the form, take into account all aspects thereof. If the procession organiser believes he/she will have any difficulty in complying with the Policy and Code of Conduct, he/she must explain this in detail when submitting the form and give reasons why any exceptions to the Policy and Code of Conduct should be considered. Any additional information relating to the proposed procession should be submitted in writing to the address detailed below at paragraph 2.6.

The Council expects all procession organisers to:

- act responsibly in ensuring processions are organised for appropriate purposes; and
- where appropriate, consider the scope for combining processions, particularly if they repeatedly follow the same route(s) or are set to take place in consecutive weeks.

Once the procession organisers have completed the notification form, they can submit the form online, by post, or by email, all as detailed at paragraph 2.6.

2.2 How the Council deals with notifications

The information which the procession organiser provides on the notification form shall be processed by the Council, which is the "data controller" for the purposes of the Data Protection Act 1998. The information provided in the submitted notice of proposal shall be used by the Council to ensure its compliance with Part V of the Civic Government (Scotland) Act 1982 (as amended).

All information provided by the procession organiser in the submitted notice of proposal, including all personal data in its entirety (which includes name, address and contact information), shall be shared with the following interested parties:

- internally with other Council departments who may be addressing the issues raised by the submitted notice of proposal; and
- the police.

Summary information (which includes organisation name, date, time, assembly point, proposed route and estimated number of participants) as provided by the procession organiser in the submitted notice of proposal, but excluding all personal data in its entirety, shall be shared with the following interested parties:

- the general public via the Council's website;
- Elected Councillor(s) for the electoral ward(s) through which the procession passes; and
- any organisation, individual, community council, or residents' or tenants' association, or similar, which has specifically requested to be included on the Opt-in List.

Depending on the information supplied in the notification form, the Council will handle the notification in terms of the process chart for local authorities which forms part of the guidance issued by the Scottish Ministers². The procession organiser may then be asked to attend an Event Planning Operation Group (EPOG) meeting with the Council and the police to discuss the proposed procession. Procession organisers who indicate that any part of the route of any of their processions will go through the city centre will normally be expected to attend a meeting with officers of the Council and the police.

Once the Council has taken stock of any observations or representations made by council officers, the elected Councillor(s), Police Scotland and other interested parties, in relation to the proposed procession, where appropriate it will prepare a report confirming the details of the notification and details of any representations for consideration by the Licensing Sub Committee or the Regulatory Committee. Parades or processions that are considered to be politically sensitive or controversial will be referred to the Licensing Sub Committee or the Regulatory Committee for consideration.

If no representations are received, then prior to the date of the procession the Council will send to the procession organiser a letter confirming the details of the procession, including the date, route and time, together with any other conditions which the procession organiser will be obliged to follow.

If the procession is to end in a rally or demonstration in a public space owned by the Council, such as a public park, pedestrian precinct, event space, civic space, car park or road, the procession organiser should contact either the Parks and Green Space Service or Roads Services: Events & Project Development Team (see paragraph 2.6 below) which will liaise with the procession organiser regarding permission to use the facility or the road.

After the specific requirements have been discussed with the Parks and Green Space Service, Roads Services or the Events & Project Development Team, the procession organiser will have to agree to the General Conditions of Let of Park/Precinct/Square. These conditions will usually covers issues including the hire of temporary toilet facilities, site clearance arrangements, equipment hire, staffing and any other costs.

2.3 How the Council deals with representations

Current legislation presumes the right to hold a Procession and, as such, the Council must justify any conditions or prohibitions in relation to the specific circumstances of a procession.

Where representations have been received from the police or a local Councillor(s) or concerns raised by local residents or businesses, the Council will make every effort to meet and negotiate with the procession organiser to resolve concerns to the mutual satisfaction of all involved. These negotiations may result in it being necessary to submit a revised and mutually agreed notification.

² Guidance issued by the Scottish Ministers on 12 December 2006 under Section 65A of the Civic Government (Scotland) Act 1982

If, however, it is impossible to resolve difficulties through negotiation, a formal meeting of the Council's Licensing Sub-Committee of the Regulatory Committee can be arranged to consider the issues in dispute and to seek a determination thereof.

At the Council's Licensing Sub-Committee of the Regulatory Committee meeting, both the procession organiser and those making representations will be afforded an opportunity to present their respective cases and the committee members will have the opportunity to question them.

After hearing all parties, the Council's Licensing Sub-Committee of the Regulatory Committee will announce its decision having regard to the requirements of the legislation, which will be confirmed in writing. The Council's Licensing Sub-Committee of the Regulatory Committee on behalf of the Council can either prohibit the holding of a specific Procession or impose conditions and/or restrictions on it in terms of Part V of the Civic Government (Scotland) Act 1982.

These conditions and/or restrictions may include:

- making alterations to the date, time, duration or route of the procession;
- asking for stewarding arrangements to be strengthened;
- seeking to prevent a procession to ensure that anti-social behaviour is not promoted; and
- prohibiting its entry into any public place specified by the Council's Licensing Sub-Committee of the Regulatory Committee.

If the Council decides to prohibit a procession under Section 63(1) of the Civic Government (Scotland) Act 1982, a prohibition order will be sent to the procession organiser, as early as possible after the Council's Licensing Sub-Committee of the Regulatory Committee meeting. This prohibition order will explain what the consequences will be should the prohibition order and its terms be ignored in part or in its entirety. A separate statement of reasons will explain why the Committee arrived at its decision to prohibit the processions.

2.4 Appeals against prohibition orders

A Procession Organiser may appeal against a prohibition order made under Section 63(1) of the 1982 Act.³ This appeal should be made by way of summary application and lodged with the Sheriff Clerk within 14 days of the date the prohibition order has been received together with the statement of reasons.

An appeal may be upheld by a Sheriff if he/she considers that the Council, in making its decision, had:

- based its decision on any incorrect material fact;
- erred in law;
- exercised its discretion in an unreasonable manner; or
- otherwise acted beyond its powers.

³ Civic Government (Scotland) Act 1982

The Sheriff, considering an appeal under this Section, may hear evidence by or on behalf of, any party to the appeal, and will also take into account the actions of the Council and give it the opportunity to be heard.

If the Sheriff upholds an appeal, he/she may either:

- remit the case with the reasons for his/her decision to the Council for reconsideration of its decision;
- vary the prohibition order under appeal, if there is insufficient time for the case to be remitted to the Council; or alternatively
- dismiss the appeal.

2.5 Cancellations

If the procession organiser has to cancel the procession, it is his/her responsibility to advise both the Council and the police as soon as possible. Where practical, the procession organiser should confirm the cancellation in writing within 48 hours to the address as detailed at paragraph 2.6.

2.6 Information on proposed Processions

Details of forthcoming processions will be placed on the Council's website at: (add Hyper link)

Completed notification forms for processions should be sent to the Licensing Service at the address below:

A procession organiser may make specific enquiries about particular processions or notify any cancellations to the Licensing Service at the address below

Directorate of Place
Licensing Service
City of Edinburgh Council
City Chambers
249 High Street
Edinburgh
EH1 1YJ

or by Email to: marchesandparades@edinburgh.gov.uk

Tel: 0131 529 4208

If you are planning an event in any public Park or Greenspace managed by the City of Edinburgh Council you will need to apply for permission from the Parks and Greenspace Department.

Parks & Greenspace Service

The City of Edinburgh Council
City Chambers
253 High Street
Edinburgh
EH1 1YJ

or by email to : park.events@edinburgh.gov.uk

Tele: 0131 529 7921 x 57921

The Road Services Events Team is responsible for facilitating events that take place on or affect the public highway. This includes giving permission to use a certain part of the public highway, ensuring 'events' are co-ordinated with any other works taking place on the public highway. When necessary a Temporary Traffic Regulation Order (TTRO) is issued to allow the event to take place. A TTRO would be necessary to close any roads or to prohibit parking etc. The application process for a TTRO under the Road Traffic Regulation Act for processions and the timescales associated with this process means Road Services team will require longer than the normal 28 day notification period required under the Civic Government (Scotland) Act 1982. In these circumstances 12 weeks notice is necessary to enable the Council to meet its statutory obligations.

Roads Services: Events & Project Development Team

Waverley Court
Level C.1
4 East Market Street
Edinburgh
EH8 8BG

Telephone number: 0131 529 3433

email: marchesandparades@edinburgh.gov.uk

The City of Edinburgh Council's Public Safety Unit is to act as a public safety advisory service to those wishing to organise an event within Edinburgh, as well as ensuring compliance with current legislation and provide expert guidance on issues relating to safety at the event.

Public Safety representative(s) where appropriate will co-ordinate meetings/discussions in all matters relating to the safety of the event, and as part of this make a decision as to what organisations should be involved once the main details of the event are known, (NB. The number of organisations depends entirely on the nature of the event and the number of organisations can also change throughout the planning process).

Public Safety
Waverley Court
Level 2.6
4 East Market Street
Edinburgh
EH8 8BG

telephone: 0131 529 4559

email: publicsafety@edinburgh.gov.uk

3 PROVISIONS OF THE POLICY AND CODE OF CONDUCT

The Policy and Code of Conduct sets out (1) the issues which the Council requires to consider when dealing with the notification of a procession and (2) the conditions, requirements and restrictions (where appropriate) the Council and/or the police can impose upon procession organisers and participants of any procession. This represents a general approach and each procession will be assessed on its own merits and according to circumstances.

Responsibility for a procession and its participants lies first and foremost with the procession organiser who must ensure a pre-planned, well-organised and peaceful event that has as little negative impact as possible on local residents, businesses and communities. The police, too, have a critical role in upholding the law in and around processions.

In considering the notification of a procession and in determining whether to approve a procession or otherwise, the Council will take into account the following provisions as set out in this Part 3 of the Policy and Code of Conduct. The undernoted conditions, requirements and restrictions (where appropriate) shall apply to the procession organiser and participants of any procession:

3.1 General

The procession organiser must:

- co-operate with the Council and the police from the time of submission of the notification form until the procession disperses;
- identify himself/herself to the police commander at the commencement of the procession; and
- ensure that all participants have been informed of any conditions imposed on the procession (e.g. change to timing, route, etc).

3.2 The timing of and playing of music at processions

Processions will normally take place between 7.30am and 9.00pm. As a general rule no music will be played before 9.00am or later than 6.00pm. Council officers will exercise a degree of discretion to allow the playing of music out with these times on condition that it can be demonstrated by procession organisers, to the satisfaction of the Council, that the playing of music will not disrupt the life of the local community. This discretion will only apply to the playing of music after 6pm and no later than 8pm. Depending on individual circumstances, discretion may allow for permission to be given for the playing of music no earlier than 8.30am, for local community processions taking place out with the city centre only.

In terms of the playing of music, further restrictions may be required after considering the type of premises on the proposed route e.g. residential developments, places of worship, football grounds and public houses. All processions will be required to cease playing music when approaching and passing places of worship where a recognised religious, cultural, or legal ceremony is taking place

Following the cessation of music on approaching a place of worship, and at the discretion of the police commander, the keeping of time by means of a single tap on a single snare drum may be permitted. The discretion of the police Commander would only be exercised when considered that it would ensure an efficient progression of the procession.

3.3 The procession route

In terms of procession routes, the Council will take the following considerations into account:

- the impact of the route on residents, businesses and transport users and seeking to balance the desire of the procession organiser for a particular route with the impact on other people affected by that route. The presumption is that processions, where practical, will avoid residential areas;
- the procession organiser's proposals for stewarding and other arrangements. In particular, the procession organiser will be required to provide suitably qualified and identifiable stewards at a ratio of one steward per ten Participants. A procession organiser's failure to make necessary stewarding arrangements will be considered a material factor in assessing future procession notifications;
- future planning arrangements will require to address the matter of traffic and pedestrian flow, when large processions are taking place, by investigating the introduction of breaks in the procession to minimise disruption to other users; and
- the responsibilities involved in managing traffic as referred to in Section 29 of the guidance issued by Scottish Ministers.⁴ The Council will work with procession organisers and the police to minimise any costs which may be payable by the procession organisers for traffic management deemed necessary depending on the nature of the procession. In certain circumstances where a restriction on Traffic flow is required to enable the procession to be progress safely a TTRO (Temporary Traffic Regulation Order) will be required to allow the procession to take place.

In addition, the procession organiser must:

- ensure that, wherever possible, processions follow main roads, rather than going through residential developments;
- ensure that routes are free of obstructions;
- ensure that all participants in a procession will march in a formation of not more than six and not less than four abreast, keeping to the near or left hand side of the street. This shall be subject to the following potential exceptions:
 - a. on one-way streets where the participants will keep to the right hand side to allow quicker progress and reduce time and disruption to the public.
 - b. participants will not be allowed to move off until in the correct formation; or
 - c. where there is an obstruction due to road works or another good cause, as determined by and agreed with the police commander. Wherever possible and practical under the circumstances, this should be agreed between the procession organiser and the police commander prior to the procession commencing.
- ensure all processions revert to not more than six and not less than four abreast formation as soon as practical or appropriate

⁴ Guidance issued by the Scottish Ministers on 12 December 2006 under Section 65A of the Civic Government (Scotland) Act 1982

- ensure that appropriate stewarding is provided to ensure that passage is allowed for traffic and pedestrians;
- ensure that the procession is split into sections in order to avoid serious dislocation of traffic and to facilitate the crossing of pedestrians who have a right of free access and passage to or through any public area. procession organisers should submit to any conditions imposed by the Council which will facilitate the ability of pedestrians to cross a procession route; and
- ensure all participants disperse as soon as the procession concludes.

3.4 Processions through the city centre

Princes Street has traditionally been one of the main thoroughfares used for parades and processions. Since the introduction of the trams this is no longer viable, and many parades have been displaced to other areas within the city centre including the High Street which is also regularly used as an event space. A number of complaints have been received about the use of the High Street for parades and processions. Parades using this route have disrupted tourist and business activity in that area. Particularly at weekends a number of wedding ceremonies or similar have been disturbed by the noise from bands taking part in parades. It is proposed that there should be special consideration for future use of the High Street for parades and processions and where possible alternative routes should be considered.

When considering notifications for processions taking place within or progressing through the city centre, the Council will:

- ensure that the relevant considerations set out in Part V of the Civic Government (Scotland) Act 1982 section 63(8) are taken into account; and
- require that procession organisers of all processions, who indicate that their route will go through the city centre, attend a meeting with Council officers and the police to agree suitable arrangements for individual processions which access the city centre.

3.5 Feeder and return processions

In the case of all notifications, including for feeder or return processions, disruption to the life of the community will be considered, in particular the impact on residents and businesses located on procession routes.

Feeder and return processions will be considered as separate notifications. The Council will require the submission of individual notifications for each Procession. A procession organiser, who intends to undertake feeder or return processions, will require to submit separate notification forms for each of these processions.

In instances where a procession organiser submits multiple notifications for the same date and for the same or similar routes, the procession organiser will be required to explain the need to hold multiple processions. The Council will take this explanation into account, along with the need to balance the rights of the procession organiser in terms of Article 11 of ECHR with the rights and freedoms of others, in determining whether it is necessary to prohibit or impose any restriction on a Procession.

Procession organisers will also be asked to identify other related processions on each notification they submit. If clarification is required, then the Council, in consultation with the Police, will determine whether the notifications should be considered as related processions and/or defined as a feeder/return procession.

The Council will seek to agree a voluntary code, with the procession organisers, on managing the number of feeder and return processions taking place in local areas as part of a longer term strategic agreement encompassing the use of Event Management Plans.

3.6 Public safety, public order, damage to property or disruption to the life of the community

In terms of likely threats to public safety, public order, damage to property or disruption to the life of the community, the Council will consider:

- Police advice regarding public safety or potential public disorder in relation to any proposed procession, as well as police reports on the extent to which previous processions have involved anti-social behaviour on the part of participants or followers causing disruption to the life of the community;
- a report provided by the police in relation to the impact which policing the Procession will have upon wider police resources. Any other events which take place in the city on or around the proposed date of the procession and which will require policing and/or other resources will also be taken into account; and
- representations from residents and businesses whose activities are likely to be affected by the proposed procession regarding the expectation of disruption, public disorder and anti-social behaviour.

Once council officers have assessed these reports, they will decide whether to:

- propose alterations to the proposed route;
- ask for stewarding arrangements to be strengthened; and/or
- recommend additional conditions or purposes that the procession is prohibited.

The impact of a procession will be assessed in its totality and the likelihood of any restriction or prohibition will be greater where the procession (including, for clarification, the procession organiser and participants) or its followers have previously:

- caused public disorder or damage to property;
- been involved in anti-social behaviour causing disruption to the life of the community; or
- failed to comply with police instructions on the day.

In addition, the procession organiser must:

- ensure anyone under the influence of alcohol or drugs is not allowed to participate;
- ensure that an appropriate risk assessment is carried out to identify the appropriate number of steward or marshals required to manage and control of

those participating in processions. All stewards or marshals must:

- have been trained to a suitable standard, as determined by the Council;
 - have the necessary maturity, character and temperament to carry out the duties required of them.
 - be briefed by the procession organiser and given guidance/instruction on their role prior to the procession;
 - carry proof of status;
 - co-operate with and take any necessary instruction from the police, as required;
 - wear suitable clothing (for example, fluorescent jackets) to make themselves easy to identify;
 - conduct themselves in a proper manner;
 - ensure that participants comply with directions regarding their own public safety and that of members of the public; and
 - be aware of the stewarding plan for the procession.
- accept that he/she is specifically responsible for the behaviour of all participants, including bands (where appropriate);
 - undertake to use his/her best endeavours to assist the police in managing the behaviour of followers of the procession by encouraging stewards to advise those followers that abusive or violent behaviour is not acceptable and will not be tolerated;
 - generally ensure compliance with this Policy and Code of Conduct and police instructions; and
 - ensure that the behaviour of participants could not reasonably be perceived as being deliberately aggressive (i.e. threatening, abusive, homophobic, sectarian, or racist) and note that the Council will take account of any public disorder, anti-social behaviour or damage to property resulting from the procession in any notification received in the future from the procession organiser for a similar procession.

3.7 Cost recovery

Currently, the Council does not charge procession organisers for their processions. However, it may seek to recover costs incurred in the holding of processions or the events which take place at the assembly/dispersal of processions. This is in line with the statutory guidance issued to local authorities by the Scottish Government. It is considered reasonable that the Council should continue to ask procession organisers to meet costs for these services and facilities.

Costs may be recovered from procession organisers for a range of services and equipment provided to facilitate the safe and orderly conduct of their procession or event. For example, this can include safety barriers, the cost of putting in place traffic management arrangements including, among other things, a Temporary Traffic

Restriction Order (TTRO), toilet provision to prevent public urination, and bins and clean-up services, to stop littering

It is considered fair that the Council should advise procession organisers in advance of any costs they will be required to meet. **Where charges are levied** there should be a consistent level of charges, depending upon the nature of the services or equipment that is required, which procession organisers should be asked to pay. This approach would address comments made by many of the principal procession organisers, as well as from the public who support cost recovery but have concerns about the ability of smaller procession organisers to pay.

The procession organisers of all processions where the Council will require to recover costs should, as a general rule, be notified in advance of the procession of the costs involved. There should be a clear and transparent pricing policy for recovering costs from procession organisers. Failure to meet the Council's costs will be considered a material factor in assessing future procession notifications.

3.8 Carrying of Halberds or weapons

The carrying of halberds or weapons is prohibited on all processions, unless permitted by prior agreement, subject to final agreement on the day by the police commander.

3.9 Encouragement of procession organisers to opt for alternative arrangements/events, rather than processions

A policy of encouraging procession organisers to opt for alternative arrangements / events rather than a Procession will be pursued in appropriate circumstances. Whilst it is recognised that the Council cannot compel a procession organiser to hold a static event rather than a Procession, it is considered that, following a full assessment of the legislative criteria, the holding of a static event may offer an acceptable compromise.

3.10 Additional legal requirements applicable to processions

- The conditions of Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers shall be observed;
- The terms of the Public Order Act 1936 in relation to the prohibition of the wearing of uniforms signifying association with any banned organisations etc. shall be observed;
- The terms of the Public Order Act 1986 in relation to the powers of the Chief Constable during or immediately before a march or procession shall be observed;
- The conditions of the Terrorism Act 2000 in relation to being members of or supporting, or fund-raising for, an organisation forbidden by law shall be observed;
- The terms of the Road Traffic Regulation Act 1984 as amended by the Road Traffic (Temporary Restrictions) Act 1991 and the Road Traffic Regulation (Special Events) Act 1994 for any restrictions which are to be put in place such as closing roads, diversions, signs or traffic cones shall be observed;
- The terms of the Road Traffic Act 1988 in relation to the conditions which set out

the powers of the Police shall be observed.

3.11 Additional information pertaining to participants

All participants in processions are required to:

- behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in areas where there has previously been public disorder around processions;
- behave with due respect at 'sensitive' areas such as places of worship, as above
- refrain from using words or behaviour which could reasonably be perceived as being deliberately aggressive (i.e. threatening, abusive, homophobic, sectarian, or racist);
- obey the lawful direction of procession organisers, stewards and the police at all times;
- keep to the designated route as directed by the police;
- refrain from consuming alcohol or drugs prior to or during the procession;
- not display flags relating to proscribed organisations or which are likely to cause offence; and
- disperse in good order as soon as the procession concludes.



Appendix B - Standard March Conditions

1. The procession moves off promptly at the times specified above.
2. The procession adheres to the stated routes.
3. The procession will at all times continue moving and no part will stop except for emergency purposes, on the direction of or with the agreement of the police / council officer, or at the procession route end.
4. After the procession concludes participants disperse at the specified times above.
5. Official(s) are appointed to liaise with the police / council officer and shall identify themselves to the police officer / council officer in charge at the assembly point before the commencement of the parade/procession.
6. Sufficient stewards and marshals shall be provided by the organiser of the parade/procession. Stewards and marshals will be readily identifiable and shall be present throughout to supervise the parade/procession and to ensure that all participants comply with directions.
7. A sufficient number of suitably trained medical personnel should be in attendance. The level of attendance is to be agreed with the Council.
8. Unless by prior agreement, all persons participating in the parade/procession shall not walk not more than six and not less than four abreast.
9. The terms of the Public Order Act 1936 in relation to the prohibition of the wearing of uniforms signifying any association with any banned organisation etc. shall be observed.
10. Unless by prior agreement, the use of any staves, wooden poles or other item shall not be used to display or carry banners, placards, flags or posters.
11. Banners, placards, flags and posters bearing inflammatory images or words will not be displayed.
12. The conditions of Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers shall be observed.
13. The conditions of the Environmental Protection Act 1990 shall be observed insofar as making noise during the parade/procession is concerned.
14. The organiser will assist the police/ council officers in ensuring that regular and appropriate passage across the parade/procession is allowed for traffic and pedestrians.
15. Any band or bands taking part in a parade/procession shall cease playing when approaching and passing any place of worship, or any other location where a recognised religious, cultural, or legal ceremony is taking place.
16. No vehicles or animals should be part of the procession unless by approval of Police Scotland and City of Edinburgh Council prior to the day of the event
17. Any instructions given by the police or council officers are immediately complied with.

Appendix C

Marches, Parades and Processions in Edinburgh Notification Form

As event organisers you should be aware of the Councils the Policy and Code of Conduct (add hyper link). It is important that you read it carefully and ensure you are aware of the responsibilities placed on you, as the organiser, on members of your own organisation and on members of any other supporting organisations.

The law is clear – the onus rests with you as the organiser to ensure that all participating are aware of their responsibilities.

Overview

The Council Policy and Code of Conduct on Public Processions draws from the Statutory Guidance issued in terms of section 65A of the “Act.” The Guidance for Scottish local authorities on marches and parades can be found at:

www.scotland.gov.uk/publications/2006/12/06144351

The guidance applies to all marches, parades and processions held in Scotland. At the present time, all organisations are included in the terms of the Act and notification of any march, parade or procession must be made to the relevant local authority.

The Law

In addition to the terms of Part V of the Civic Government (Scotland) Act 1982 organisers of any march, parade or procession should make themselves aware of the requirements and restrictions of the following statutes:

- Public Order Act 1936 – forbids people from wearing uniforms signifying association with any banned organisation(s);
- Public Order Act 1986 – relates to the power of the Chief Constable during or immediately before a march, parade or procession
- Terrorism Act 2000 – relates to relation to the wearing of clothing or items in support of a proscribed organisation
- Criminal Justice (Scotland) Act 2003 – relates to offences aggravated by religious prejudice
- Police, Public Order and Criminal Justice (Scotland) Act 2006

Local licences, restrictions etc

If an application to march etc is deemed acceptable, a ‘Letter of Confirmation’ will be issued to the organiser. However, the ‘Letter of Confirmation’ refers to the march only. If it is your intention to offer other forms of entertainment, for example a funfair, sale of goods or food, you should ensure that appropriate licence(s) are obtained. The Licensing Service staff will be only too happy to provide information and assistance and can be contacted at the address below:

Directorate of Place
Licensing Service
City of Edinburgh Council
City Chambers
249 High Street
Edinburgh
EH1 1YJ

or by Email to: marchesandparades@edinburgh.gov.uk

Tel: 0131 529 4208

Notice of proposal to hold a public procession

As the organiser of your event, you should give us at least 28 days' notice of your intention to hold a procession. In certain circumstances, for example, the unexpected closure of a local factory leading to redundancies, the 28 day notice may be waived. Each application for waiving of the 28 day notice will be considered by the Council in terms of the particular circumstances. If you cannot provide the notice needed, you should contact the Licensing Service at the address at the end of the form for advice to apply for an exemption. We can only make an exemption in exceptional circumstances.

You should read the attached code of conduct (add link) and fill in all sections of the form and:

- Send it to the Licensing Service address at the end of this form
- Keep a copy for yourself

On receipt of the notice of intention, a copy will be forwarded to Police Scotland who will make enquiries as appropriate to your application. It may be that a precursory meeting will be organised to discuss your proposals further.

Should it be deemed necessary, you may be asked to produce a risk assessment. This will lead to better and more informed decision making process.

Intimation of your intention to hold a procession will be notified on the Council's website and will also be passed to appropriate community bodies for their information and consideration.

Organising an event

While many parades or processions are community based, such as gala day events, they all require planning. Notwithstanding the 28 days notice required by the Act, you should try to give as much notice as possible giving an opportunity for the authorities to determine if there are other planned events already in place for your choice of date. For example, there may already be a larger event intimated which could make it difficult for the police to provide attention at your event.

Where a road closure or parking restriction is required a TTRO would be necessary to close any roads or to prohibit parking etc. The application process for a TTRO under the Road Traffic Regulation Act for processions and the timescales associated with this

process means Road Services team will require longer than the normal 28 day notification period required under the Civic Government (Scotland) Act 1982. A minimum of 12 weeks notice is required to allow the Council to meet its statutory obligations.

Considerations

What are the ages of the participants in the parade? Obviously, if you have a lot of younger children, you should have more stewards available.

Have you considered how far your parade will stretch once it starts? Consider the impact on local traffic and the local community.

How many stewards do you intend to have? This will depend on the nature of your event; the proposed route; has the event taken place previously; and how was your event received by the general public.

Are your stewards suitably experienced? Do you have anyone who has health and safety training? Are your stewards capable of dealing with eventualities? Have you considered what those eventualities might be? Have any stewards been trained in first aid?

Have you considered public liability insurance? What would happen if some damage was caused to a third party by virtue of your event being on the public roads?

Have you thought about litter issues at the marshalling point and the dispersal point for your event?

What will you do if you get very wet weather on the day of your event?

This list is by no means exhaustive and you may be asked to complete a risk assessment.

A risk assessment will help to:

Identify any dangers associated with holding it;

- Evaluate the level of any known risks;
- Decide who is at risk and in what way and how the risk to them could be got ride of; and
- Decide, where other types of risk have been identified, whether it would be possible to introduce appropriate measures to allow the procession to go ahead.

Next steps

We will assess the risks associated with holding your procession within the first two weeks of us receiving your notification and in certain circumstance may also ask for a risk assessment to be submitted. You should remember to keep a copy of this form for your records and bring it with you to any meeting which we may hold. This is because we and the police may want to raise issues with you about how their risk assessment compares to yours. In case there are problems, we may need further meetings.

Please provide the following:

Your contact details

Name:

Address:

Postcode:

Phone number:

Email address:

Name of organisation or band:

Date and start time of procession:

Date and finish time of procession:

Is the date of your procession particularly significant to the organisation please explain?

Reason for procession:

The proposed Route (and provide a plan of route):

(Continue on a separate sheet if necessary)

List road names to be closed

List road names to be subject to parking restrictions

Do you require the City of Edinburgh Council to supply equipment to close any roads or restrict parking to facilitate the Procession?

If the answer is no, what arrangements are you making for the required work?

Has your organisation held a procession along the same route before?

Have there been any difficulties or tensions in the recent past with holding this procession?

Number of people expected to take part:

Details and numbers of any vehicles and or horses in the procession:

Please provide details of the arrangements for controlling the event:

(Continue on a separate sheet if necessary)

Chief Steward's contact details

Name:

Address:

Postcode:

Phone number:

Email address:

Number of stewards attending:

Number of buses or coaches:

Please provide any extra information about the procession which you think may be relevant (reasons why it is not possible for this procession to be combined with other similar ones)

Please provide details about the return procession (if this applies)

Names of any bands, the names of each band member who will be taking responsibility for the bands and the approximate number of band members expected to take part.

The named band member must be present on the day and must identify themselves to the police. Name of bands:

Band A:

Band B:

Band C:

Name of responsible member for:

Band A:

Band B:

Band C:

Number of band members

Band A:

Band B:

Band C:

(Continue on separate sheet, if necessary)

At the end of the public procession, what are your arrangements for getting participants to go disperse?

Are you organising any other social events at the end of the public procession? (Please give details of what these are.) And will you need a police presence?

Do you charge for entry into any part of your event and/or charge people for participation in your event? This includes any charges for participation (including members of the public, stall holders, members sub-contractor etc

Yes / No

Are goods sold during your event?

Yes / No

Is the event a charitable fundraising venture?

Yes / No

Does the event involve filming of a commercial nature?

Yes / No

Have you taken out insurance to help cover for any risks arising from the procession?

Yes / No

Have you considered the policing and other associated costs for holding the procession?

Yes / No

If the local authority is holding a meeting, I would like to raise the following points?

1

2

3

4

5

Please provide any other supporting comments in this box.

NOTE: your application may be delayed without the full information listed above.

All information should be provided 28 days prior to your Procession / Event.

12 weeks notice may be required for events requiring a Temporary Traffic Regulation Order.

Declaration:

I understand that, as the event organiser, I am the person responsible for the event. Therefore, I will ensure that appropriate risk assessment and event plan will be in place.

If using a 3rd Party Traffic Management Contractor I confirm that I will ensure that there is appropriate signage, traffic management planning and sufficient public liability insurance in place (a minimum cover of £5,000,000).

I indemnify the City of Edinburgh Council against all claims for accident, damage or injury caused by, or in consequence of the event named.

I understand that if any litter / rubbish remains in the area as a result of the event that there will be a charge imposed on the event organiser should the Council have to remove it.

I have read and understand fully the guidance notes provided to me and will adhere to all responsibilities/duties required by the City of Edinburgh Council.

All information given in this application is correct to the best of my knowledge and belief.

Signature:

Date:

Name in BLOCK CAPITALS:

You may be contacted to arrange a meeting to discuss your notification in more detail.

Please return this form to:

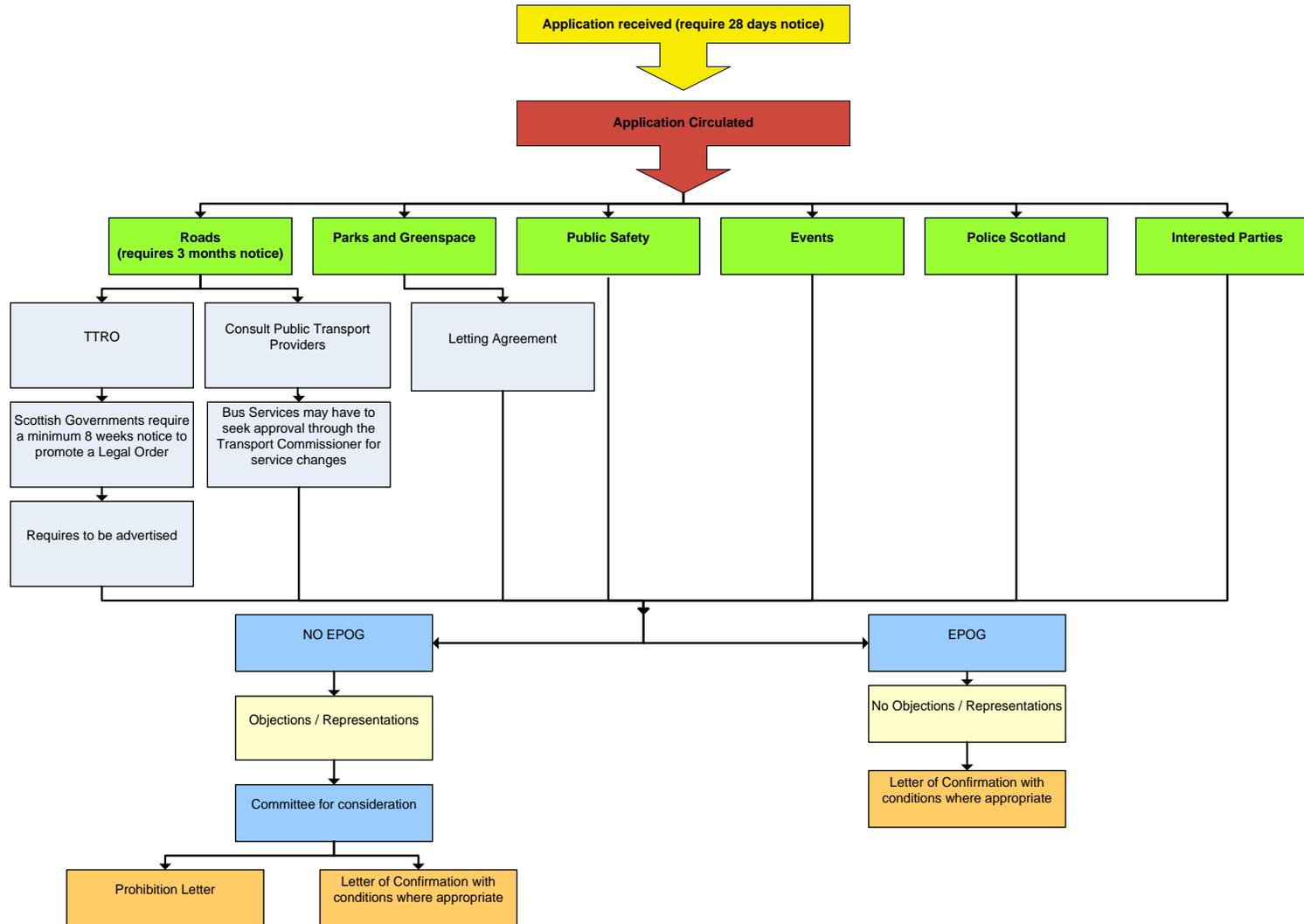
Directorate of Place
Licensing Service
City of Edinburgh Council
City Chambers
249 High Street
Edinburgh

EH1 1YJ

or by Email to: marchesandparades@edinburgh.gov.uk

Tel: 0131 529 4208

Appendix D - Flow Chart



Regulatory Committee

1.15pm, Monday, 8 January 2018

Licensing Customer Survey 2017

Item number	6.3
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	

Executive Summary

Placing customers at the heart of the service and increasing customer satisfaction are key priorities for the Licensing Service. In order to understand service users' views, and assess levels of customer satisfaction, customer research is carried out on an annual basis.

A short telephone customer survey is used to assess levels of satisfaction and an action plan developed to address any issues raised. A summary of the feedback is included in appendix 1. The action plan developed following the 2015 survey is attached (appendix 2) and this has been used to drive further improvement of the service and also encapsulates 2016 results.

Demand for the service continues to rise, in particular a 13% increase in Temporary Licence applications in comparison to last year and 4% increase in all other applications.

Licensing Customer Survey 2017

1. Recommendations

It is recommended that Committee:

- 1.1 notes this report and approves the action plan at Appendix 2; and
- 1.2 agrees to receive a further report in 12 months with an update on progress against the actions agreed and details of the 2018 survey.

2. Background

- 2.1 The City of Edinburgh Council has statutory responsibilities to license certain businesses and activities, in order to ensure that proper standards are met and that the general public interest and public safety are protected. The Licensing Service receives approximately 23,000 licence applications each year and the volume of applications is increasing year on year.
- 2.2 This report outlines the results of the 2017 survey, in which the majority of areas surveyed showed slightly lower scores when compared with the 2016 research ([21 November 2016](#)).
- 2.3 One of the main themes highlighted from the feedback was a desire to ensure that enforcement is robust.
- 2.4 The online services corporate project has been delayed, and as a result the anticipated continued improvement of the Licensing customer service experience has been delayed. It is anticipated that the benefits will be delivered in line with the corporate project.
- 2.5 The licensing customer survey covers Taxi, Private Hire Car, Houses in Multiple Occupation (HMO) and Civic Licensing.
- 2.6 In 2017 the Service dealt with increased numbers of applications and responsibilities, due to changes in both legal process and Council transformation. It has been a challenge to deliver the anticipated continued improvements, but the service has adapted, recruited and streamlined services. The service anticipates the benefits will be felt this coming year when the corporate ICT programme has delivered the agreed outcomes.

3. Main report

Customer Survey Methodology

- 3.1 The customer research is conducted by a telephone survey designed to assess customer satisfaction across a range of measures, and is carried out by an independent research company on an annual basis. Customers are randomly selected from a database of customers who have applied for a licence within the previous 18 months. Responses are then weighted by function (Taxi, Private Hire Car, HMO and Civic Licences) to reflect actual service volumes. The 2017 survey fieldwork was conducted between 22 May and 14 June 2017. A summary of the survey results is attached at appendix 1.

2017 Survey

- 3.2 2017 has continued the period of change for the service and its customers. There have also been several changes in relevant policy and legislation since the last survey was carried out.
- 3.3 Amongst the pressures, the introduction of new statutory duties in relation to the Immigration Act 2016 commenced on 1 December 2016. The detailed preparation, system and process redesign required to implement the new statutory requirements had a significant impact on workload and affected performance. Overall this has been successfully introduced.
- 3.4 The Action Plan which was last agreed by the Committee on [21 November 2016](#) has driven positive changes to service delivery, and has continued to focus on customer service. These outcomes include improved timescales for processing applications and improved customer communication. The action plan is included in appendix 2 for information.
- 3.5 The Council agreed increases for the majority of licensing application fees with effect from April 2017. With respect to HMOs, the fee structure was revised with a cost reduction for the majority of licence holders.

Survey Results

- 3.6 On a scale of one to 10, overall customer satisfaction with the service has slightly decreased from 7.3 in 2016 to 6.85 in 2017, but is still positive.
- 3.7 Overall satisfaction with the service has also shown a slight decrease (less than 10%) from the previous year, with the exception of satisfaction with 'civic' licences, which has slightly increased.
- 3.8 The most notable decreases were seen with respect to satisfaction with licence processing times (decrease from 6.1 to 5.4) and 'being kept up to date with the progress of the application' (6.2 to 5.4).
- 3.9 Although there was a slight decline in the figures, feedback remains encouraging as customers were fully supportive of online services in most areas, when combined with Licensing Duty Officers being available to answer queries. A highlighted area

was the desire to ensure that enforcement is robust and this has been incorporated into the action plan for this year.

Action Plan and Service Improvements

- 3.10 The action plan developed to address issues raised in previous surveys has been updated to reflect changes made. The outstanding actions relating to ICT within the plan are currently progressing in line with the implementation of the corporate ICT plan however the needs of the service are clearly bespoke and require appropriate development..
- 3.11 Tasks completed to date in 2017 can be summarised as follows:
- 3.11.1 Introduction of three year licences in HMOs;
 - 3.11.2 Extensive consultation with stakeholders and partners over policy changes - following the realignment of responsibilities from national to local level with respect to the responsibility for checking immigration status;
 - 3.11.3 Accreditation from City and Guilds and British Institute of Innkeepers for our Training School ahead of the commencement of Taxi and Private Hire Training in April 2018; and
 - 3.11.4 Realignment of Licensing responsibilities to merge the Licensing and Inspection services and the creation of a standalone Licensing Enforcement team that is solely focused on enforcement. This is a move away from the previous structures where the teams were multi-tasked which led to an environment conducive to silo working.
- 3.12 Performance indicators previously introduced for key areas of the Licensing Service are as follows:
- Applications complete within 72 days – Target 90%;
 - Consultation requests circulated within 7 days – Target 95%.
- 3.14 Since they were introduced, performance against these targets has improved overall. This year the number of staff vacancies has had an impact on the service. A report on performance is included as a separate item on this agenda.

Development of Customer Survey

- 3.15 Licence types surveyed were expanded in 2016 to include Taxi, Private Hire Car, HMO and Civic Licences. This allowed the service to gain a better understanding of the needs and views of each of these groups, and allowed targeted service improvement opportunities to be developed.
- 3.16 The 'value for money' element has not formed part of the survey since 2015. The Committee undertook a full fee review and implemented significant change in early 2017. The fee structure incorporated reduced fees in HMO and Taxi and Private Hire Car licences with mixed feedback. Generally HMO customers were happy with the three year licence fee being the same as the one year fee. Taxi and Private Hire

Car feedback suggested the fee reduction has increased the number of applications, which has led to greater competition in the marketplace. It is believed that complex market changes are in fact responsible for the increase in PHC licence applications.

- 3.17 A new question added in 2017 showed that just over half of our customers would prefer to submit and receive documentation electronically. This number is much higher if Taxi and Private Hire Car licences are excluded, as over 90% of these applicants do not wish to submit electronically. The service will be working with the Council's Channel Shift project team to progress electronic submission for services other than Taxi and Private Hire Car licenses over the coming months.
- 3.18 Another new question added in 2017 showed that 44% of customers would prefer to make payment electronically, while 33% prefer to make payment in person. It would be preferable for customers to have access to Licensing services electronically and the service is part of the corporate project to introduce this functionality in its first phase.
- 3.19 For the first time, customers were asked to comment on their perception of whether they were treated fairly and the results demonstrate that this is the case, with scores in excess of eight out of 10. The service aims to treat all customers in a fair and equitable manner, which is reflected in this strong positive result.

Next Steps

- 3.20 The licensing service workload continues to increase, with the introduction of additional licence requirements as legislation including the Air Weapons and the Licensing (Scotland) Act 2015 is gradually implemented by the Scottish Government. These will include the introduction of immigration checks across further licence types, criminal convictions checks, and changes to the 1982 Act itself.
- 3.21 The wider Council structure continues to change, with structures adapting to future business needs, which the service is keen to embrace. The support of all Council services is essential for the success of a streamlined Licensing Service, not only to respond to customer demand but also to provide a proactive service. The corporate project to deliver 'Channel Shift' will positively affect licensing, with a move to mainly electronic licence applications. This will help the service to continue to improve and are a priority for the department.
- 3.22 The service will seek to continue to improve how it engages with customers, and the Customer Survey will be repeated in 2018 to assess progress at that time.
- 3.23 The Regulatory Committee Policy work plan is addressing emerging issues, and where possible simplifying and improving local licensing conditions.

4. Measures of success

- 4.1 The report highlights areas for continuous improvement, and on areas which have shown improvements since last year's research was carried out and reported on. Improvements will be shown in future years' surveys and the benefits from service improvements will be realised.

5. Financial impact

- 5.1 The cost of the research is approximately £16,000 per annum. This is met from the income generated from licence fees.

6. Risk, policy, compliance and governance impact

- 6.1 The agreed reports and performance measures improve the governance of the Licensing Service, they reduce risk and improve the transparency of Service performance.

7. Equalities impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties
- 7.2 The contents and recommendations described in the report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.

8. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 Not applicable.

10. Background reading/external references

- [Licensing Customer Survey 2016 – November 2016](#)
- [Licensing Customer Survey 2015 – February 2016](#)
- [Licensing Customer Survey 2014 – November 2014](#)

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

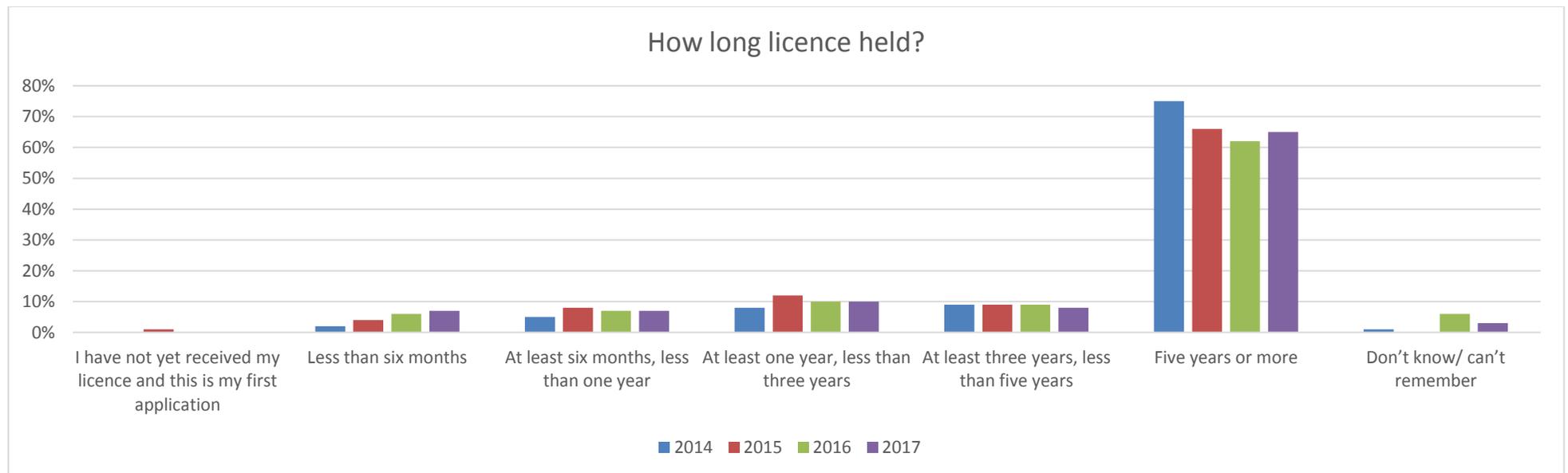
E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

11. Appendices

- 11.1 Summary results (and comparison where possible) of 2013, 2014, 2015, 2016 and 2017 surveys
- 11.2 Licensing Action Plan and Workstreams – updated September 2017

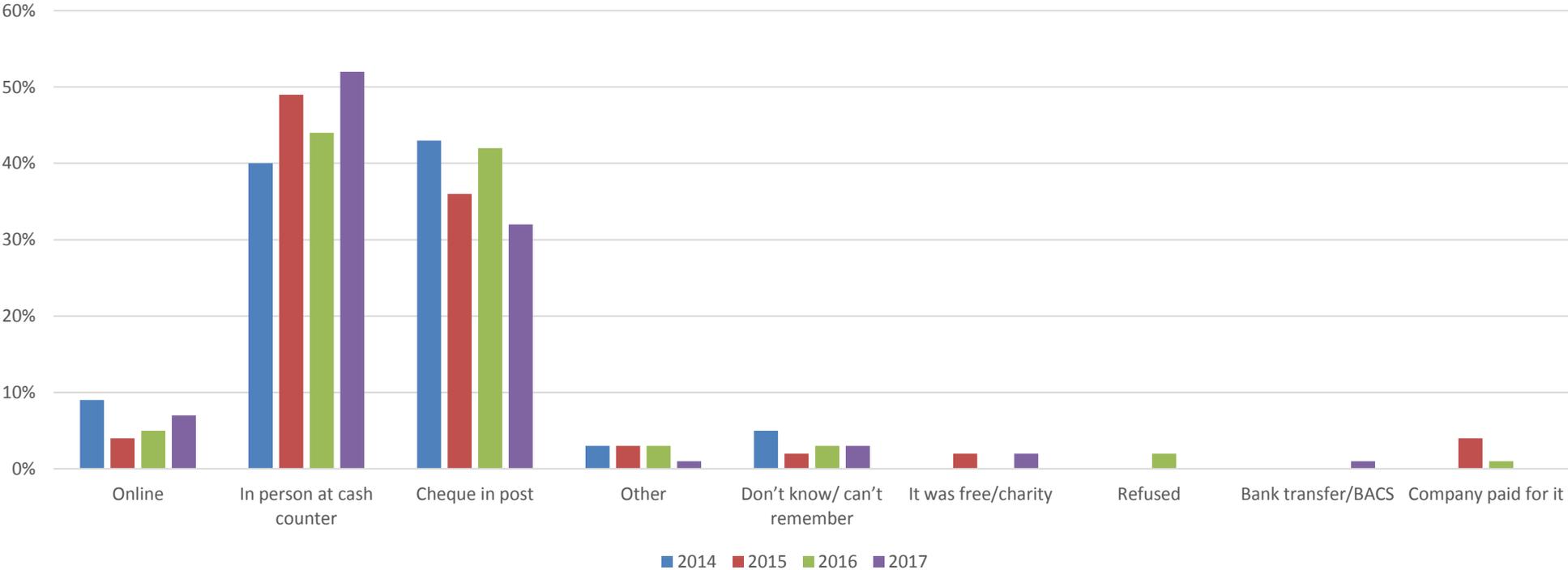
Appendix 1

Q2 How long have you been/were you a licence holder in Edinburgh?				
	2014	2015	2016	2017
Unweighted base	1329	1437	1412	1124
I have not yet received my licence and this is my first application	0%	1%	0	0
Less than six months	2%	4%	6%	7%
At least six months, less than one year	5%	8%	7%	7%
At least one year, less than three years	8%	12%	10%	10%
At least three years, less than five years	9%	9%	9%	8%
Five years or more	75%	66%	62%	65%
Don't know/ can't remember	1%	0%	6%	3%



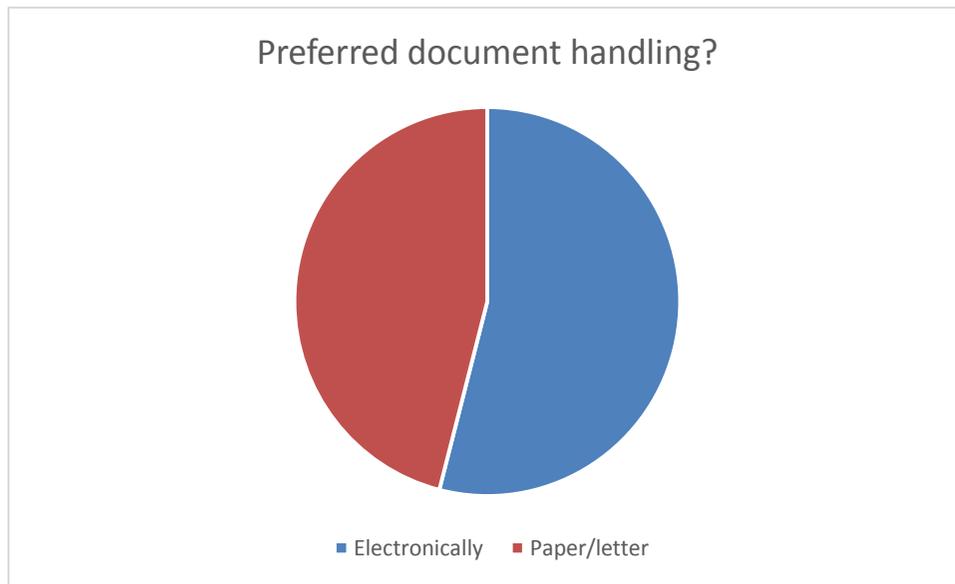
How did you pay for your (most recent) licence? (question not asked in 2013)				
	2014	2015	2016	2017
Unweighted base	1329	1437	1412	1124
Online	9%	4%	5%	7%
In person at cash counter	40%	49%	44%	52%
Cheque in post	43%	36%	42%	32%
Other	3%	3%	3%	1%
Don't know/ can't remember	5%	2%	3%	3%
It was free/charity	-	2%	0%	2%
Refused	-	-	2%	-
Bank transfer/BACS				1%
Company paid for it	-	4%	1%	-

How paid?



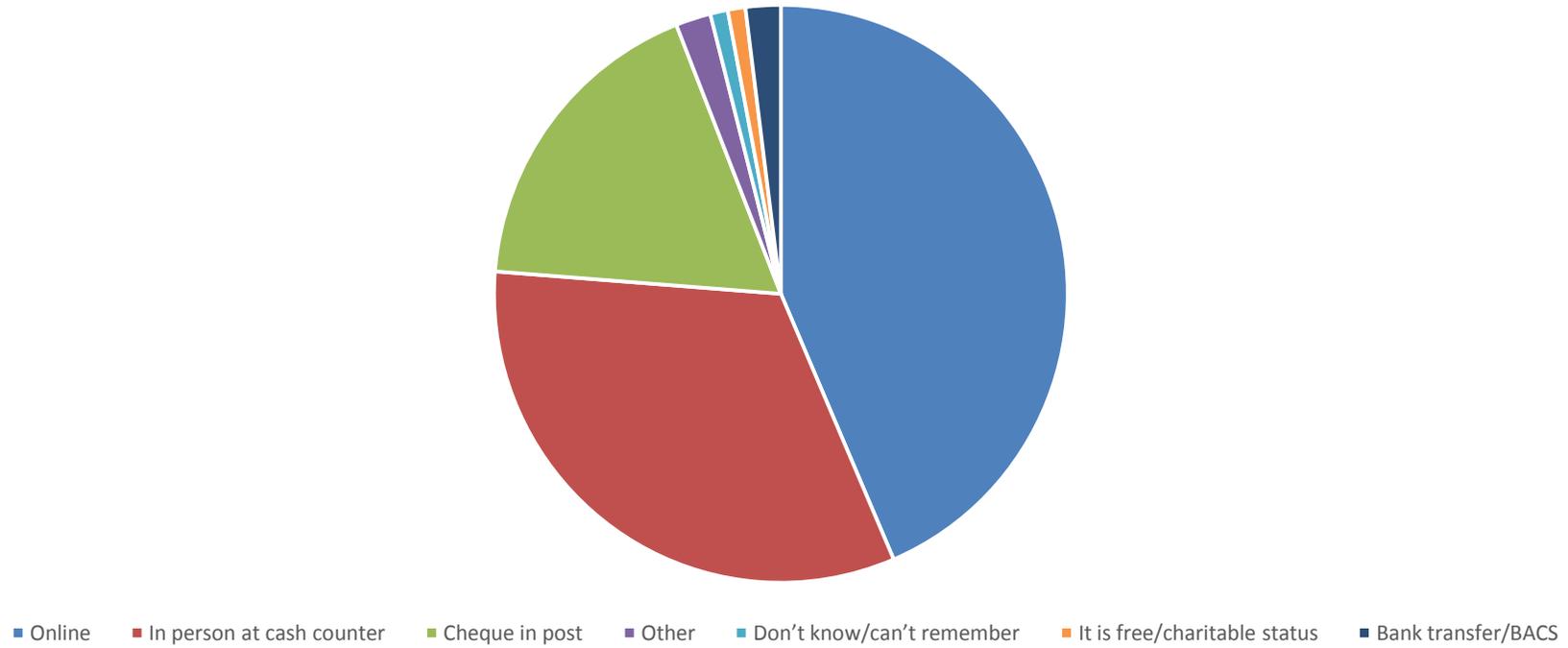
How would you prefer to submit and receive your documentation? (new question in 2017)

Unweighted Base: n=1124	2017
Electronically	54%
Paper/letter	46%

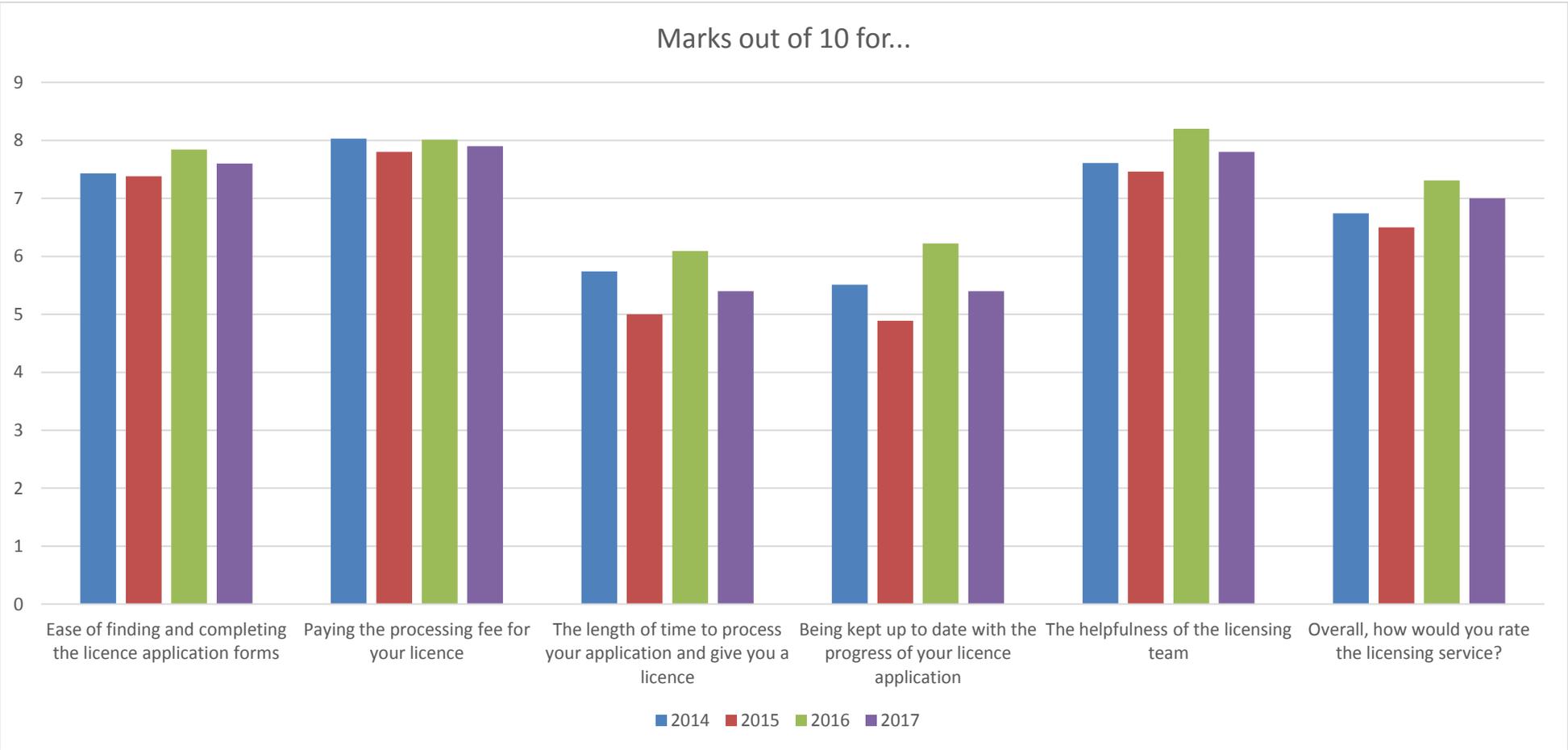


How would you prefer to make your payment? (new question in 2017)	
Unweighted Base: n=1124	2017
Online	44%
In person at cash counter	33%
Cheque in post	18%
Other	2%
Don't know/can't remember	1%
It is free/charitable status	1%
Bank transfer/BACS	2%
Company pays for it	-

Preferred payment method

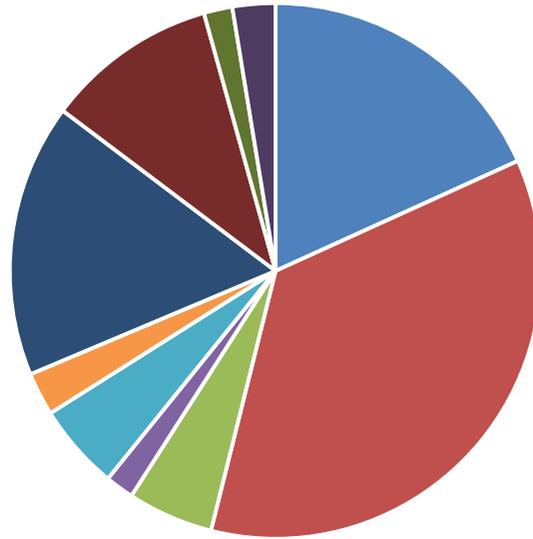


Rate the following aspects of the Licensing Service (score out of 10, where 1 is 'poor' and 10 is excellent)				
	2014	2015	2016	2017
Ease of finding and completing the licence application forms	7.43	7.38	7.84	7.6
Paying the processing fee for your licence	8.03	7.80	8.01	7.9
The length of time to process your application and give you a licence	5.74	5.00	6.09	5.4
Being kept up to date with the progress of your licence application	5.51	4.89	6.22	5.4
The helpfulness of the licensing team	7.61	7.46	8.2	7.8
Overall, how would you rate the licensing service?	6.74	6.50	7.31	7.0



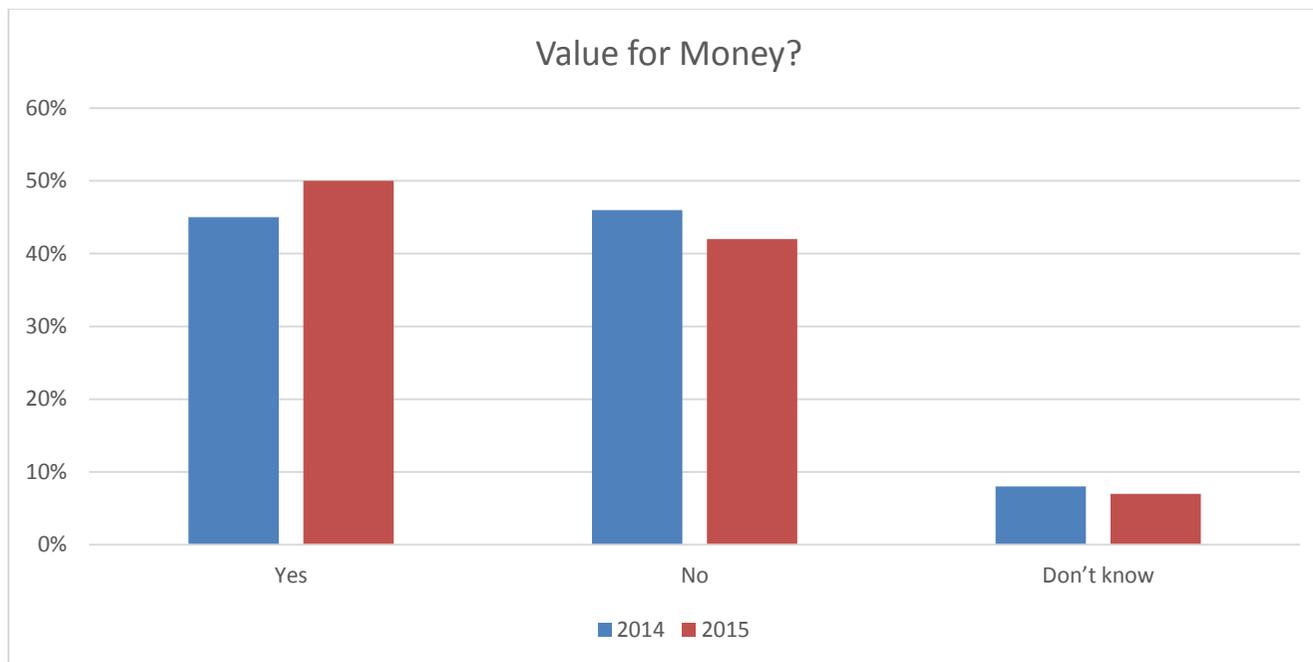
What do you think the purpose of licensing is? (asked in 2016 only)	
Unweighted Base: n=1412	2016
Benefit the public/ keep the public safe	21%
To have a regulated service/ make sure rules are adhered to	41%
I just need it for work	6%
To ensure people are fit and able for the job	2%
A way of getting the Council money/ creates jobs	6%
So I can run events/ trade/ sell alcohol	3%
To prevent rogue landlords/ properties are of a good standard/ safe	19%
To monitor who works in the industry	12%
Don't know	2%
Other	3%

Purpose of Licensing



- Benefit the public/ keep the public safe
- I just need it for work
- A way of getting the Council money/ creates jobs
- To prevent rogue landlords/ properties are of a good standard/ safe
- Don't know
- To have a regulated service/ make sure rules are adhered to
- To ensure people are fit and able for the job
- So I can run events/ trade/ sell alcohol
- To monitor who works in the industry
- Other

Do you feel that the licensing service provides value for money?		
	2014	2015
Yes	45%	50%
No	46%	42%
Don't know	8%	7%



How fairly do you think the licensing service treats its customers? (new question in 2017) (score out of 10, where 1 is 'poor' and 10 is excellent)

Unweighted Base: n=1124

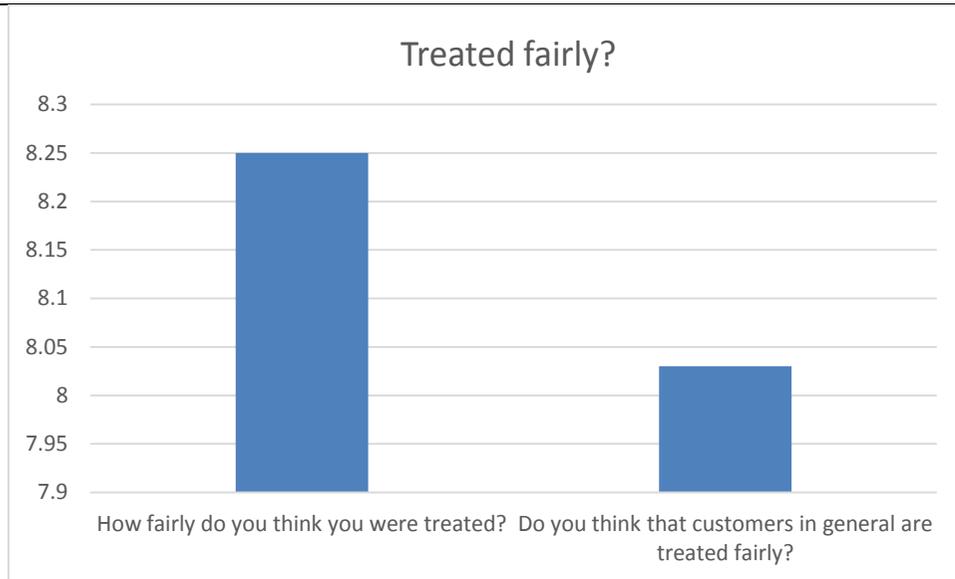
2017

How fairly do you think you were treated?

8.25

Do you think that customers in general are treated fairly?

8.03



Do you have any suggestions for how the licensing service can be improved?				
	2013	2014	2015	2016
Unweighted base	1431	1458	1437	1421
Fee reduction/ less expensive	10%	6%	14%	7%
Online payment method/ by post/ BACs	2%	3%	8%	7%
Process application quicker	15%	14%	25%	16%
Inform us of any changes/ send emails/ more feedback on progress	10%	20%	19%	13%
Improved online services	5%	10%	11%	13%
Extend licence period	5%	9%	9%	7%
Cut down regulations/ rules	9%	17%	7%	5%
Better parking facilities in city centre	2%	2%	1%	2%
Improved staff/ more helpful staff	2%	4%	13%	7%
No/ happy with service	43%	38%	22%	30%
Don't know	3%	1%	1%	1%
Other	3%	2%	3%	5%
*A reminder service	-	-	2%	3%
*Need to be stricter e.g. identify those not paying for a licence/ vet licence applicants	-	-	3%	3%
*Improve the office e.g. changing desk location, separate licence desk	-	-	4%	3%

*Improve the application form	-	-	3%	5%
*Remove/ simplify the licence	-	-	1%	3%
*Renewals made easier	-	-	1%	3%

Appendix 2

Licensing Action Plan – items complete

Workstream	Remit	Method	Benefit to Customer	Estimated completion date	Actual completion date
Improved Communications with Customers					
ICT Improvements External Customers	Introduce more efficient telephone system.	Adopt Solidus system	<ul style="list-style-type: none"> • Calls answered more quickly • Staff have access to call history improving ability to assist customers • Improved customer experience • Assist with staff training to increase call handling skills • Greater transparency re customer initiated contacts • System provides average no. calls – highest numbers received over summer period 	September 2016	September 2016 Complete
	Improve access to licence applications register.	Publish registers online	<ul style="list-style-type: none"> • Increased accessibility to the service • Greater transparency • Access to real time information 	On hold until Corporate project is complete.	Summer 2018
Communications with Customers	Update web pages.	Add 'You Said We Did'	<ul style="list-style-type: none"> • Greater understanding of how service is developing to meet needs of service users • Greater transparency • Inclusive by nature 	Ongoing commitment	

	Develop customer survey to allow feedback from specific user groups.	Amend Customer Survey to target up to six different types of licence holder rather than generic survey to all licence types	<ul style="list-style-type: none"> • Greater understanding of customer requirements • Inclusive approach leading to customers feeling valued 	April 2016	Ongoing annual survey
Consultation	Improve stakeholder engagement.	<p>Introduce regular licence-specific consultation and feedback per application and/or legal representative</p> <p>Introduce quarterly meetings with trade groups</p> <p>Provide Licensing Service at Customer Hubs/Libraries to allow customers to utilise local based services to access licensing</p>	<ul style="list-style-type: none"> • Customers have ability to influence development of policy and practice • Customers provided with regular feedback • Improved access to licensing service • Improved customer experience • Greater transparency 	June 2017	June 2017
Improve Processing Performance					
Improved coordination across Council Service Areas	Review and streamline processes across Council service areas.	<p>Remove duplication amongst Licensing consultees</p> <p>Introduction of APP has allowed all consultees access to Licensing records</p>	<ul style="list-style-type: none"> • Creation of one stop shop improving customer experience • Service providers have improved access to records and have greater ability to address customer concerns 	Ongoing - requires ICT solution being finalised	

		Merging customer records to create shared record Provision of performance reports for consultees			
	Link telephone system to electronic document management system.	Adapt system to integrate with ICT system to allow records to be automatically updated, filed and numbered	<ul style="list-style-type: none"> • Improved quality of service • Value for money • Speed up service provision 	On hold until Corporate project is resolved and complete	
Feedback to Customers					
Improved customer feedback	Increase customer satisfaction levels.	Regular consultation, working groups, surveys and communication	<ul style="list-style-type: none"> • Customers have ability to influence development of policy and practice • Customers provided with regular feedback • Improved access to licensing service 	August 2018	Annual reports
	Staff providing feedback when complete application received		<ul style="list-style-type: none"> • Improved customer experience • Improved quality of service • Value for money 	Part of daily application process	December 2016
Move to 3 year licence periods from 1 year	Identify whether periods can be extended for certain licence types.	Policy work already started with view to increasing licence types for particular licence applications	<ul style="list-style-type: none"> • Improved quality of service • Value for money • Reduction in number of applications that require to be submitted • Greater transparency and ability to plan ahead 	June 2016	Commenced 1 June 2017

		Further work required to improve the consultation and feedback experience for people affected by temporary licences.			
Discount Licence Fees for small Community groups	Increase opportunities for community groups		<ul style="list-style-type: none"> Increased support for community groups Improved access to Licensing Service 	April 2015	April 2015
Helpfulness					
Training of frontline staff	Staff refreshed in core customer care skills, call handling and licensing knowledge	Increased staff training Staff trained across range of licence types	<ul style="list-style-type: none"> Staff are able to deliver improved quality of service Value for money Improved customer experience 	September & November 2016	September 2016
	All Staff appointed to Grade 6 role required to undertake paralegal in Licensing		<ul style="list-style-type: none"> Staff are able to deliver improved quality of service Improved customer experience 	May 2015 September 2015 March 2016	All complete March 2016

Ongoing

Communications with Customers	Review accessibility of existing communications.	Review language and update letters etc to Plain English	<ul style="list-style-type: none"> Access to information in user friendly format Improved customer experience Inclusive experience to facilitate confidence in service provision 	March 2016	September 2016
	Update web pages.	Add 'You Said We Did'	<ul style="list-style-type: none"> Greater understanding of how service is developing to meet needs of service users 	Ongoing	Summer 2018

			<ul style="list-style-type: none"> • Greater transparency • Inclusive by nature 		
Improved coordination across Council Service Areas	Review and streamline processes across Council service areas.	Provision of performance reports for consultees	<ul style="list-style-type: none"> • Creation of one stop shop improving customer experience • Service providers have improved access to records and have greater ability to address customer concerns 	Ongoing - requires ICT solution being finalised	
Improved customer feedback	Increase customer satisfaction levels.	Regular consultation, working groups, surveys and communication	<ul style="list-style-type: none"> • Customers have ability to influence development of policy and practice • Customers provided with regular feedback • Improved access to licensing service 	August 2018	2015-16 customer satisfaction increased, but decreased for 2016 - 2017

ICT dependent

Improved Communications with Customers					
ICT Improvements External Customers	Introduce online applications. Introduce Electronic Document Management and improve online payment system.	Coordinate with corporate CGI plan and data protection team	<ul style="list-style-type: none"> • Increased accessibility to the service • Value for money • Direct payment system • Improved payment options Faster service, automated updates & quicker overall process	Corporate project is ongoing. Licensing is included in stage 1 of the project	
	Improve access to licence applications register.	Publish registers online	<ul style="list-style-type: none"> • Increased accessibility to the service • Greater transparency • Access to real time information 	On hold until Corporate project above is complete.	
ICT Improvements External Internal Customers	Mobile technology for enforcement staff in the field.	Source and procure a device compatible with current ICT system	<ul style="list-style-type: none"> • Reassurance for licence applicants and members of the public. • Staff have direct access to licence 	On hold until Corporate ICT project above is	

			<p>information and are able to provide real time guidance and/or assistance</p> <p>Greater staff efficiencies leading to increased time available for proactive work</p>	complete	
Communications with Customers	Increase use of social media.	Digital development proposal to be drafted	<ul style="list-style-type: none"> • Service accessible by greater audience • Greater transparency • Improved customer experience 	This is to become part of the Council's social media rather than a standalone Licensing service	September 2017
Improved coordination across Council Service Areas	Review and streamline processes across Council service areas.	Provision of performance reports for consultees	<ul style="list-style-type: none"> • Creation of one stop shop improving customer experience • Service providers have improved access to records and have greater ability to address customer concerns 	Ongoing and dependent on outcome of ICT solution being finalised	

Regulatory Committee

1.15pm, Monday, 8 January 2018

Licensing Performance Update

Item number	6.4
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	

Executive Summary

Placing customers at the heart of the service and increasing customer satisfaction are key priorities for the Licensing Service. Publishing performance data is a key step in achieving transparency and responding to the needs of customers.

A performance framework was agreed at the Regulatory Committee in 2015. The Committee last received an update in [February 2017](#), and this report provides a further update on the performance to date.

Licensing Performance Update

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 notes the report;
 - 1.1.2 notes progress to date against agreed performance targets; and
 - 1.1.3 agrees to receive an update report in six months.

2. Background

- 2.1 The Licensing Service has undergone a comprehensive review to modernise and improve service delivery. To date this has included a full structure review, a range of improvements to customer service, installation of a new software system (APP), a major review of all fees and charges, and an ongoing workplan to update and implement licensing policy changes.
- 2.2 In addition, the Houses in Multiple Occupation (HMO) inspection team integrated with the service. New legislation has increased the team's responsibilities around immigration and new policies including criminal records checking.
- 2.3 The introduction of agreed performance measures and targets was a key aspect of the improvement programme. A range of performance indicators were approved by the Regulatory Committee in [February 2015](#) and these are listed in appendix 1. The list is in addition to a number of corporate targets, e.g. complaint handling and freedom of information requests. These performance indicators remain applicable today.
- 2.4 A report outlining the performance of the service is presented to Committee approximately every six months, with the last report having been considered in February 2017.
- 2.5 Demand on the service varies throughout the year, with significant peaks around major festivals. Key renewal dates can also cause surges in demand. Management of these variable service demands is an ongoing challenge for the service.

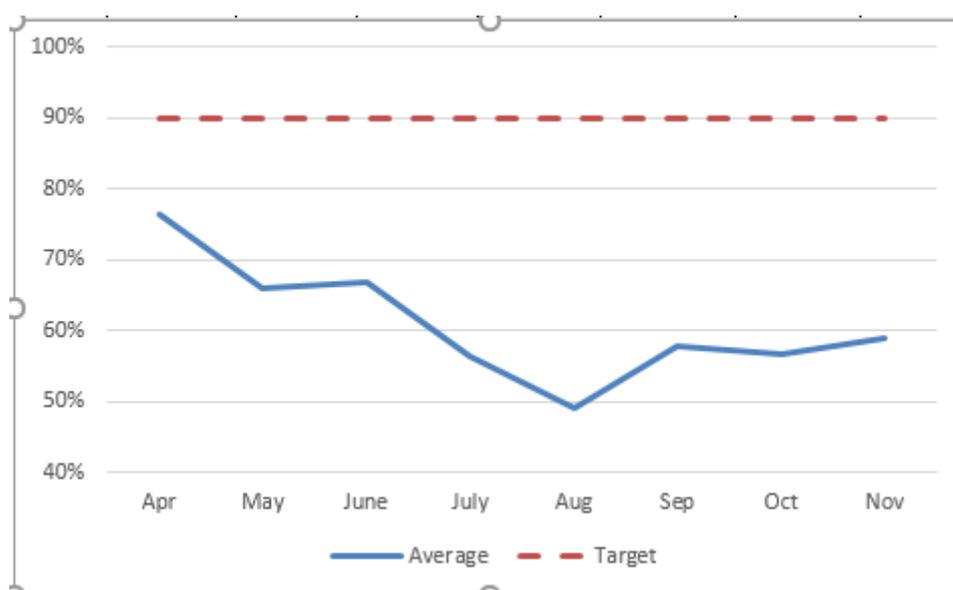
3. Main report

Measure (1) – no. applications received

- 3.1 There was an overall increase of 4% in applications received compared with last year's total, rising from 21,356 in 2015/16 to 22,141 in 2016/17. This continues a long-term trend since 2012.
- 3.2 The last three months of the year also saw an increase in demand for Taxi/Private Hire Cars and driver licences. These increased by 21% on the comparative period in the previous year. On 1 December 2016 the responsibility for checking immigration status moved from the Home Office to the Licensing Service, and a new policy on criminal conviction checking was introduced. It may be that the drivers were seeking licences prior to the date these policies were implemented.
- 3.3 The number of applications received from April to November 2017 is attached at Appendix 3. The total number of applications over that period is just over 13,500.

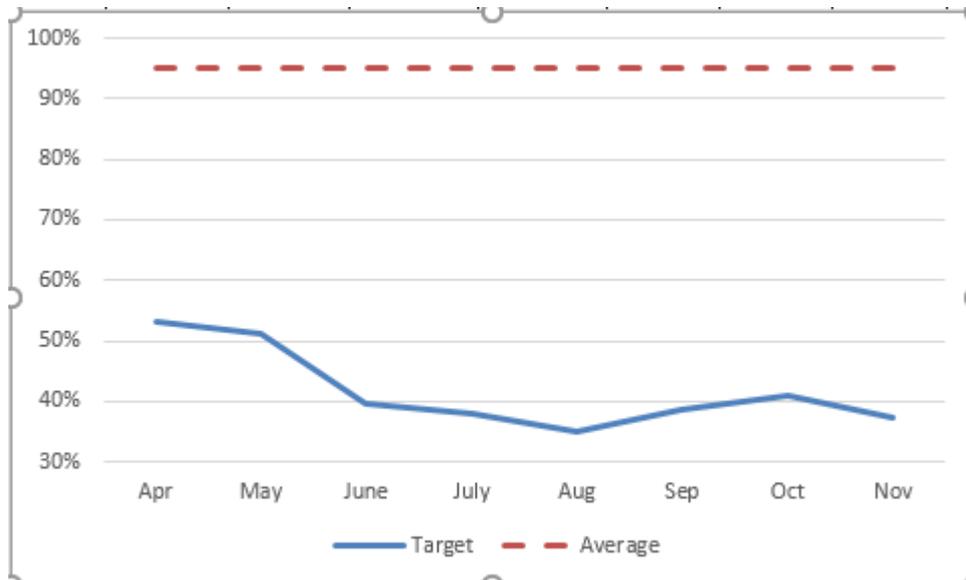
Measure (2) – time taken to process applications

Table 1: Applications completed within 72 days (target: 90%)



Measure (3): Time taken from application receipt to sending out consultation requests to relevant services

Table 2: Applications completed within 7 days (target: 95%)



3.5 The combination of factors described below had a major impact on service performance over the period:

- Pressures discussed above affected the ability of the service to maintain the delivery standards and which affected the key performance indicators.
- The introduction of new statutory duties in relation to the Immigration Act 2016 - all licensed drivers (circa 5,500) now require a personal interview as part of the application process. This was the subject of a report to the Regulatory Committee on [19 September 2016](#). Interviews commenced on 1 December 2016. The detailed preparation, system and process redesign required to implement these checks had a significant impact on workload and affected performance.
- Process improvements in preparation for the imminent 'channel shift', which will provide online application functionality and payment facilities had to be completed in order to meet Council deadlines. The functionality had to be tested, and the significant investment was required to complete a data cleansing exercise. This work, which is essential preparation for future service improvements, is complete. The testing and data cleansing will need to be reviewed again when the project progresses.
- All student halls of residence, flats and purpose built accommodation renew their HMO licences on 31 December each year. This front-loads the application process, and the service is challenged to meet the demand of the very short timescales in this area.

- Integration of the Inspection Team from Private Rented Services into the Licensing Service meant that some service redesign activities required to be undertaken and this affected service levels.
- Following the move to a new virtual platform, a negative impact on the ICT system was discovered. This created additional work whilst an alternative solution was found. This significantly affected performance. Members are assured that ICT and CGI are working with the service to resolve any outstanding issues.
- The Council Transformation programme had previously restricted the Private Rented Services team. Work was being entered onto a system which was then required to be integrated with the Licensing ICT system. This continued until December 2016, meaning that six months' work had been entered on an incompatible system. This had to be re-entered onto the Licensing ICT system during this period.

Service improvements

3.6 The service is committed to achieving consistent and sustained high standards of performance. Work is underway to ensure that the service in future will meet the service demand and improvements will include:

- ICT improvements;
- Service 'channel shift' imminent;
- Improved and increased communication with trade groups; and
- Regular customer satisfaction surveys.

4. Measures of success

4.1 A range of performance measures are in place to improve performance and deliver excellent customer service:

- More efficient service;
- Improved response times; and
- Improved customer satisfaction.

5. Financial impact

5.1 The service activity outlined in this report are met from the Place directorate budget and income from licensing activities is ring-fenced for the administration of licences and does not form part of the Council's revenue budget.

6. Risk, policy, compliance and governance impact

- 6.1 The agreed reports and performance measures improve the governance of the Licensing Service, they reduce risk and improve the transparency of service performance.

7. Equalities impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties
- 7.2 The contents and recommendations described in the report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.

8. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 Not applicable.

10. Background reading/external references

- 10.1 [Licensing Review and Performance](#) February 2015
- 10.2 [Licensing Performance Update](#) November 2015
- 10.3 [Licensing Performance Update](#) June 2016
- 10.4 [Licensing Performance Update](#) February 2017

Paul Lawrence

Executive Director of Place

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11. Appendices

11.1 Performance measures

11.2 No. applications received Apr 2017 – Nov 2017

Appendix 1

Measure	Indicator	Target
1. The total number of licence applications received	Under headings of HMO, Taxi and Civic (applications). Compared to previous years.	N/A
2. The time to complete the processing of applications	Percentage completed within 72 days using Civic, Liquor and Taxi/PHC licence types.	90% within 72 days
3. Time taken from application receipt to sending out requests for a consultation response to all services relevant to each application	Percentage completed within 7 days using the main licence types.	95% within 7 days

Appendix 2

2016/17	November	December	January	February	March	April	May	June	July	August	September	October	November	Total
Civic	296	220	341	213	268	184	369	299	285	251	122	251	246	3345
HMO	595	952	498	537	629	325	251	300	270	344	331	324	549	5905
Liquor/Gam	453	425	510	512	446	491	475	438	500	554	630	580	505	6519
Taxi	665	491	490	562	730	465	629	606	496	506	476	608	682	7406
Total	2009	2088	1839	1824	2073	1465	1724	1643	1551	1655	1559	1763	1982	23175

