

Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday, 3 February 2020

Proposed Parade/Procession: March 2020

Executive/routine

Wards

Council Commitments

Executive Summary

The City of Edinburgh Council has been notified of a parade which is proposed to take place in March 2020.

The Council has limited powers in respect of parades. It can take no action and the parades would proceed as the organisers intend. Alternatively, it has the power to attach conditions or, under limited circumstances, to ban the parades. The committee needs to decide whether to exercise any of these options.

This parade has also been referred to the committee as the proposed route includes Princes Street and has attracted objections from Roads Services.

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Proposed Parade/Procession: March 2020

1. Recommendations

- 1.1 It is recommended that the committee makes an order to requiring the procession to take an alternative route under Section 63 (1) of the Civic Government (Scotland) Act 1982 due to the significant disruption that the intended route would cause.

2. 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 After receiving a notification of intended procession, it should ensure that it consults with the Chief Constable and then it may:
- make an order prohibiting the procession; or
 - make an order imposing conditions on the holding of the procession
- There is, therefore, a “do nothing” option – available in relation to non-contentious events.
- 2.3 Article 11 of the European Convention of Human Rights – right to freedom of peaceful assembly. Any decision taken by the committee to restrict a parade by making an order must be proportionate having regard to Article 11. In deciding the type of order to be made, the Council is required by section 63(8) to have regard to the following:
- 2.3.1 the likely effect of the holding of the procession in relation to –
 - public safety;
 - public order;
 - damage to property;
 - disruption of the life of the community;
 - 2.3.2 the extent to which containment of the risks arising from the procession would place an excessive burden on the police;
 - 2.3.3 where the person holding the procession has previously held one in the Council’s area (or other persons taking part in it have previously been involved), whether there were any particular issues relating to that
- 2.4 The Council is required to have regard to the terms of Scottish Government guidance on processions, regarding good practice, factors to take account of in conditioning or prohibiting a procession, etc (most recent version published December 2006).

- 2.5 The City of Edinburgh Council has been notified of intent to hold the International Women's Day procession in the city (further details in Appendix 1). It is proposed that the parade will use Princes Street.
- 2.6 The proposed date and time for the procession is between 12 noon and 2pm on 8 March 2020. On that date a major rugby match at Murrayfield (Six Nations Scotland v France) begins at 3pm. The Roads team has objected to the proposed parade on this basis (Appendix 2).
- 2.7 The proposed route has caused concern with regard to the disruption that the closing of Princes Street would create.
- 2.8 The Council has limited powers available regarding the control of parades. These powers should only normally be exercised to prevent public disorder, risk to public safety, damage to property or excessive disruption to the life of the community.

3. Main report

- 3.1 A notification form is attached at Appendix 1. The recommended conditions (Appendix 4) are, in most cases, sufficient to mitigate and manage any possible disruption to the community. However, on this occasion the proposed route, which would require the closure of Princes St and main north south arterial routes in the City Centre will cause significant disruption to the city.
- 3.2 Representatives of the parade organisers will be invited to address the committee regarding the proposed parade.
- 3.3 An impact assessment was completed by the Directorate in relation to a previous parade proposing the use of Princes Street. The following concerns and risks are brought to the attention of committee members for consideration.
 - 3.3.1 The Edinburgh Tram network will suffer significant disruption to its operation, as an entire network power shutdown from Shandwick Place will be required in order to facilitate a sufficient margin of safety for participants to travel through Princes Street. Whilst every attempt will be made to resume full Tram services as soon as possible after it is safe to restore power to Princes Street after the procession has cleared, as a result of the power shutdown it is anticipated that disruption to services will last for a minimum of four hours. There is a financial cost to the Council which would arise as a result of any shutdown of the trans network as set out in paragraph 5.1 below.
 - 3.3.2 It is noted that a number of bus services which travel directly or indirectly into the city centre will also suffer significant disruption, as the proposed use of Princes Street will sever all main East to West and North to South arterial routes. This disruption will affect almost the entire bus provision and services in the city, including disruption to services operated by Lothian Buses (approximately 60 services), East Coast (approximately five services), Lothian County (approximately five services), First, Stagecoach, Citylink and Borders Buses. As a result it is likely that any person attempting to travel into the city will experience significant disruption both during and for a lengthy

period before and after the procession, as preparations are made for implementing road closures and removal of these closures and subsequent dispersal of pedestrians and congested traffic. Whilst attempts will be made to facilitate alternative route arrangements for bus services, there are few suitable locations within the city for buses to turn, and surrounding streets in the vicinity of the closures will be heavily congested with overflow and general traffic.

- 3.3.3 The closure of Princes Street will also have a large impact on how people can travel to Waverley Station and subsequent disruption to rail services. As a result of disruption to Skylink services and other methods of travel between the city's main travel hubs (Waverley Station and Edinburgh Airport), airport services are likely to be negatively affected. In addition to travellers who will be affected by these closures, members of staff who service businesses in these locations will also be affected and this may result in collapse of services for several business operators. This will include bus and train staff who may not be able to access their normal work place, leading to a shortage of drivers which will result in disruption for several hours after the procession has ended.
- 3.3.4 The nature and significance of the disruption is predicted to extend not only beyond the reach of the city centre but the city's outer boundary
- 3.3.5 There is also a likelihood of an increase in private car use by those who will be unable to make use of the public transport network. This effect will be particularly felt by commuters, who are likely to use a car to travel to work in the morning in preparation for their normal bus journey home being disrupted. Many people will be unable to make travel connections or reach desired destinations. Furthermore, risks to those with mobility difficulties will see a significant increase as they will be particularly affected.
- 3.4 Officers intend to hold an EPOG to discuss the proposed route with the organiser.
- 3.5 In view of the significant potential disruption it is recommended that an order should be made attaching standard conditions.

4. Measures of success

- 4.1 That the Council discharges its statutory duties in respect of this notification.
- 4.2 That any parade is facilitated wherever possible and is managed in a way that minimises potential disruption to the life of the community.

5. Financial impact

- 5.1 The costs associated with managing the impact of the tram disruption, including loss of revenue, is expected to be in the region of £15,000. Edinburgh Trams will seek to recover any incurred costs from City of Edinburgh Council in full, as the proposed closure of Princes Street and subsequent disruption to services exceeds

the agreed closures currently provided for within the Operating Agreement. This is an unfunded budget pressure for the Council.

- 5.2 Additionally Council resources may need to be deployed on the day, in particular with respect to any road closures.

6. Risk, policy, compliance and governance impact

- 6.1 Should the committee decide to restrict or prohibit the procession, the person proposing to hold the procession may appeal against that decision to the Sheriff Court within 14 days of written reasons being received by them.

7. Equalities impact

- 7.1 In coming to a decision, the committee will have to consider the rights of the procession organisers to stage their procession, and the Council's duty to foster good relations and ensure the protection of public order and safety. These must be discharged against the relevant statutory duties.

8. Sustainability impact

- 8.1 The hearing relates to a statutory function of the Council and the limited criteria under the Act for determining whether to exercise these powers is set out in paragraph 2.3 above.

9. Consultation and engagement

- 9.1 Statutory consultation has taken place regarding the parades.

10. Background reading/external references

- 10.1 Scottish Government guidance - [Review of parades and marches in Scotland \(2006\)](#)

11. Appendices

- 11.1 Appendix 1: Notification form and relevant information
11.2 Appendix 2: Emails from Roads team dated 23 October 2019 and 14 January 2020
11.3 Appendix 3: Recommended conditions