

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 11 December 2023

Use of Urgency Provision of Standing Orders to Allow March – 2 December 2023

Item number	
Report number	
Executive/routine	
Wards	City centre (11)
Council Commitments	N/A

1. Recommendations

- 1.1 The Licensing Sub-Committee is asked to:
 - 1.1.1 Note that following consultation with the Convener and group leaders, the relevant Executive Director used the urgency provision within Standing Orders to waive the 28 days' notice requirement which allowed the march to proceed as the organiser intended; and
 - 1.1.2 Note the contents of this report.

Andrew Mitchell

Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Use of Urgency Provision of Standing Orders to Allow March – 2 December 2023

2. Executive Summary

- 2.1 To note that notification to stage the march on 2 December was received by the Licensing Service on 27 November 2023.
- 2.2 To note the decisions taken by the Executive Director of Place, in consultation with the Convener and group leaders under the urgency provision outlined in Paragraph A4.1 of the Committee Terms of Reference and Delegated Functions - to waive the 28 days' notice requirement and to attach standard conditions - which allowed the march to proceed on an amended route as agreed after discussions with officers.

3. Background

- 3.1 Under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the appropriate local authority and Police Scotland at least 28 days prior to the date of the event. It is important to note that there is no requirement to obtain permission to march, the requirement is to notify which then allows the Council to determine whether to exercise the limited powers available to attach conditions to manage any such march.
- 3.2 If organisers of a march do not give 28 days' notice then potentially criminal offences are committed if the march proceeds.
- 3.3 The Council does have discretion to waive the 28 days' notice requirement where it receives a notification with less than the 28 days required.
- 3.4 If the Council waives the 28 days' notice requirement then it may consider whether it is necessary and proportionate to attach conditions to the march. Typically these would be the standard conditions which the Council has adopted to manage marches.
- 3.5 The decision regarding whether or not to waive the 28 days' notice period is not covered by the Scheme of Delegation for officers, and therefore must be made by the Licensing Sub-Committee.

4. Main report

- 4.1 On 27 November 2023 the City of Edinburgh Council was notified of intent to hold a march in the city centre on 2 December 2023 (Appendix 1).
- 4.2 Normally a parade organiser must give 28 days' notice, and in this case the organiser asked the Council to use its powers to waive that requirement.
- 4.3 Members will be aware that protests and associated marches within the city centre in support of Palestine have occurred on a weekly basis since the current conflict began in October 2023.
- 4.4 These marches have not been notified to the Council and therefore are in breach of the requirements of the 1982 Act. They have been managed by Police Scotland using public order powers. The protests have caused a degree of disruption in the city centre.
- 4.5 Council Officers and Police Scotland officers have been engaging with those believed to be the organisers of the protests seeking their cooperation with the proper processes.
- 4.6 Two Events Planning Operation Group (EPOG) meetings were held with respect to the 2 December march. Police Scotland was consulted and, after discussions with the organisers, an amended route was proposed. As there was no planned committee available before the date of the parade, officers consulted the Convener and group leaders about whether it was appropriate to make an urgent decision.
- 4.7 An urgency provision is outlined in Paragraph A4.1 of the Committee Terms of Reference and Delegated Functions, which allows Executive Directors to make such a decision provided there has been consultation with the Convener and group leaders. Any such decision is required to be reported thereafter to Committee
- 4.8 The Executive Director of Place thereafter made the following decisions,
 - 4.8.1 to waive the requirement to give 28 days' notice; and
 - 4.8.2 To make an order with respect to the march (Appendix 2) including standard conditions.

5. Next Steps

- 5.1 Not applicable.

6. Financial impact

- 6.1 There are no financial implications arising from this report.

7. Stakeholder/Community impact

- 7.1 The Convener was consulted prior to the use of urgency powers, as required by the Scheme of Delegation.

- 7.2 The Council's Standing Orders and Scheme of Delegation were used to resolve this issue.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 – Notification dated 28 November 2023

- 9.2 Appendix 2 – Order dated 30 November 2023