



Shetland Islands Council
Civic Government (Scotland) Act 1982 Section 62
Police, Public Order and Criminal Justice (Scotland) Act 2006

PUBLIC PROCESSION
NOTES FOR GUIDANCE

A copy of the Regulations to which these conditions relates may be obtained from bookshops or by contacting the Office of Public Sector Information (www.legislation.gov.uk). If you need any more help please contact Environmental Health on 01595 745250 or ehadmin@shetland.gov.uk or come along Old Anderson High School, Lovers Loan, Lerwick, Shetland.

Why do I have to notify the Council?

The Council's Policy operates within the context of Section 62 of the Civic Government (Scotland) Act 1982 as amended. This means that, as a Council, we do not technically "approve" processions in public. In appropriate circumstances, however, we can prohibit, change the route, or time, or make conditions, as to how a procession in public takes place.

Definition

A 'procession' means people moving together along a route and a "procession in public" means a procession in a public place. "*public place*" means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes — (a) the doorways or entrances of premises abutting on any such place; and (b) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses.

Who will be consulted?

A copy of your notification is sent to the Police and the Roads Services if necessary.

Will the event require a road closure?

If the event takes place on a public road and the road needs to be closed or other restrictions imposed on the flow of traffic for public safety then SIC Roads Service (Neil Robertson 01595 744875) must be approached. If a Temporary Traffic Regulation Order (TTRO) is required, a copy must be provided prior to permission being granted. It may take two weeks or more to administer so it is a good idea to contact Roads as soon as possible to discuss prior to the application process.

Do I need a risk assessment?

This is a matter for the organiser to consider. The Council recommends organisers of processions to seek their own independent legal and other advice as they might consider appropriate

When should I apply?

A notification must be submitted at least 28 days in advance of the proposed date of procession.

CODE OF CONDUCT

1	A minimum of 28 days notice will be given to the police and the Council of the intention to hold a procession. In every possible case a greater period of notice should be given and notification should be made as early as possible in any instance in which a series of similar processions is proposed. Provision of a minimum of 28 days notice is a statutory requirement. Only in exceptional circumstances can a public procession take place without notification being given at least 28 days before the date of the proposed procession. In any instance in which a full 28 days notice is not given the onus is on the organiser to satisfy the Council that exceptional circumstances exist sufficient to justify the Council in making an Order waiving the legislative requirement for full 28 days prior notice.
2	The organiser shall co-operate with the Council and the police from the time of submission of the notification of intention to hold a procession until the procession disperses.
3	The organiser shall identify him or herself to the police officer in charge immediately on the assembly of the procession.
4	The organiser shall ensure that, in the event of the procession being cancelled, the Council and police are informed of this promptly and that the cancellation is confirmed in writing to the Council within 48 hours. No band other than the bands specified in the notification shall take part in the procession and in the event of any change in participants - including the withdrawal of any band specified in the notification - the organiser shall immediately advise the Council and the police.
5	The organiser shall ensure that all participants are informed of any condition imposed on the procession including any condition regarding change to timing or route.
6	The organiser shall ensure that any person under the influence of alcohol or drugs does not participate in the procession.
7	An adequate number of stewards or marshals shall be provided. The organiser shall ensure that all stewards and marshals: <ul style="list-style-type: none"> ▪ are briefed by the organisers and given guidance and instructions on their role prior to the procession including written directions/instructions in respect of legislation; ▪ carry proof of their status; ▪ co-operate with the police as required; ▪ are highly visible and easily identifiable by means of high visibility wear which cannot be confused with police attire; ▪ conduct themselves in a proper manner; ▪ ensure that participants comply with directions regarding their own public safety and that of all other members of the public.
8	The organiser shall take responsibility for the behaviour of all participants including followers and, where appropriate, bands and for ensuring general compliance with the Council's Code of Conduct on public processions and police instructions.
9	The organiser shall ensure that the behaviour of participants is not such as can be reasonably perceived to be aggressive, threatening, abusive, homophobic, sectarian or racist.
10	The organiser shall ensure that, wherever possible, proposed routes follow main roads and do not go through residential housing developments.
11	The organiser shall ensure that all participants disperse immediately the procession concludes.
12	All participants must obey the lawful direction of procession organisers, stewards and the police at all times.
13	All participants must keep to the designated route as directed by the police.
14	No obstruction shall be caused.
15	No procession shall commence before the hour of 7.30 am and no procession shall conclude after the hour of 9.00 pm.
16	Unless specifically stipulated in the notification, no band shall play or music shall be played before 9.00 am or after 6.00 pm.