



Leicester
City Council

Cabinet

20 September 2002

Proposed National Front March - 28 September 2002

Report to the Town Clerk and Corporate Director of Resources, Access & Diversity

1. Purpose of the Report

- 1.1. To appraise the Cabinet of a proposed "Anti - Islam" march in Leicester by members of the National Front on Saturday 28 September 2002 and, in the event of any application to the Council by the Acting Chief Constable to prohibit the National Front or any associated march, to consider the Council's response.

2. Summary

- 2.1. A letter has been received by the Chief Constable, written on behalf of the National Front Party, submitting a formal application requesting permission to hold a march in the city of Leicester on 28 September 2002. In particular, the letter of application seeks permission to hold an "Anti - Islam march" and protest "to continue their national campaign to highlight the dangers posed by Islamic extremists living within our communities". It is their anticipation that the march would attract between 50 - 200 party supporters to the event, to which they have given an undertaking to provide adequate stewards on the day.
- 2.2. The proposed route is from the Railway Station to the Clock Tower where a demonstration is proposed for approximately one hour. It is the organisers' intention for the Group to reassemble outside or near to the Leicester City Football Ground and distribute leaflets in the pre-match build up, prior to leaving Leicester when the match begins. (There is a home fixture between Leicester City and Wolverhampton Wanderers Football Clubs).
- 2.3. Both experience elsewhere and the Organisers own estimate indicates that the number of people supporting such a march is likely to be up to 200 people. Persons wishing to express their opposition to the march may be larger in numbers. These may be in part those in favour of direct action. The Police will have to decide whether the potential threat to the public is manageable particularly in the context of the potentially far larger numbers of football supporters in the city on that day.

- 2.4. An Order banning National Front marches have been approved elsewhere and, in Leicester, a ban was imposed stopping a proposed National Front march on 21 April 2001. Such a ban would not prevent members of the National Front gathering informally at one or more venues within the city.
- 2.5. The Chief Constable has the ability to impose a range of conditions and control measures on any public procession – these include the route taken, numbers permitted on the march and timing. If at any time the Chief Constable reasonably believes that, because of particular circumstances existing in the city, his ability to impose conditions on any public procession will not be sufficient to prevent serious disorder, he must apply to the Council for an order prohibiting the holding of all public processions or any class of public procession, in the City or any part of the City. The Order must not exceed 3 months. Further details regarding this process are given at Appendix A, along with potential implications associated with the Human Rights Act.
- 2.6. The Acting Chief Constable is currently seeking views from communities across the city and is also gathering information regarding the proposed National Front march and possible counter demonstrations and protests prior to forming a view. This view will, of course, incorporate the extent to which he believes march and protest organisers and, thereafter, the participants would be willing to abide by any conditions the police may wish to impose upon them.
- 2.7. The Acting Chief Constable has indicated that he will take a decision informed by the community consultation process and other relevant information he is able to gather. Until that process is completed, there remain a number of options that he could decide upon. One of these options is to apply for a ban from the City Council under Section 13 of the Public Order Act 1986. At the time of writing to report the consultation process is still underway and it is not, therefore, clear whether or not the Acting Chief Constable will decide to apply via the Council for a prohibition of this march.
- 2.8. Bearing in mind the role of the Secretary of State in consenting to any Order for prohibition, Members may alternatively, or in addition, wish to consider the appropriateness of making representations to the Secretary of State in order that he is aware of the situation and views within the city. Members may also wish to consider the benefits of a formal statement of the City Council's views in relation to this issue – which could also provide a vehicle through which like-minded persons and associations could similarly associate themselves with the sentiments expressed.

3. Recommendations

- 3.1. Cabinet is recommended to;
- 3.2. Note the legal powers and duties by which the Chief Constable may instigate a prohibition order on a march;

3.3. **Either**

In the event of an application for a prohibition of the march having been received from the Acting Chief Constable prior to the Cabinet Meeting, consider the Acting Chief Constable's request and determine whether or not to seek the Secretary of State's consent to the making of such an Order to prohibit the National Front March, or any other associated march in accordance with the period of time recommended by the Acting Chief Constable.

Or

In the event of an application for a prohibition of the march not having been received from the Acting Chief Constable prior to the Cabinet Meeting, give delegated authority to the Town Clerk to consider and, if it is deemed appropriate, in consultation with the Leader and Deputy Leader, make an Order, with the consent of the Secretary of State's, to prohibit the National Front march, or any other associated march in accordance with the period of time recommended by the Acting Chief Constable.

- 3.4. Decide on any further action including as to whether representations should be made to the Secretary of State regarding his consent to a Prohibition Order being possibly requested and whether a formal statement of the City Council's views in relation to this issue should be published, thereby also providing a vehicle through which like-minded persons and organisations could similarly associate themselves with the sentiments expressed.

4. Financial and legal Implications

- 4.1. There are no specific financial implications. Legal implications are described both within the body of the Report and at Appendix 1.

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Prohibiting Public Processions - Legal Process

If at any time the Chief Constable reasonable believes that, because of particular circumstances existing in the City his ability to impose conditions on any proposed public procession will not be sufficient to prevent serious public disorder, he must apply to the Council for any Order prohibiting the holding of all public processions, or any class of public procession, in the City or any part of the City. The Order must not exceed 3 months.

On receiving the application from the Chief Constable the Council may, with the consent of the Secretary of State, make an Order either in terms of the application or with some modification as may be approved by the Secretary of State.

Organising a procession or taking part in a procession which is banned by such an Order is a criminal offence.

The points to note are, therefore, as follows:

- The Chief Constable must initiate the application
- They must reasonably believe that the circumstances are such that they will not be able to prevent public disorder by the imposition of conditions.
- They must make an application to the Council, and it is for the Council to make the Order, but with the consent of the Secretary of State.

Human Rights Act - Potential Implications

If the Chief Constable does make an application to the City Council to make an order under Section 13 of the Public Order Act 1986, this authority will need to take into consideration its obligations under the Human Rights Act 1998 when considering it.

The 1998 Act incorporates the European Convention of Human Rights into English law. Amongst other things, Article 10 of the Conventions provides everyone with a right to freedom of expression, and Article 11 provides for freedom of assembly and association. No restrictions shall be placed on the exercise of these rights other than provided 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 rights and freedom of others.

Human Rights legislation does not prevent this authority from making an order under Section 13, but does require the Authority to take into account human rights when considering the police application and ensure that its decision is proportionate to the risks involved, and that its action in making an order is the minimum necessary to secure those interests which may properly be protected under the Conventions.