



Leicester
City Council

WARDS AFFECTED

All wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet

20 December 2004

Political Activity on the Highway: Policy

Report of the Chief Executive

1. Purpose of Report

- 1.1 This report details a new policy to be adopted relating to political stands and campaigning on the highway.

2. Summary

- 2.1 The formation of a policy on political stands on the highway has come about in order to set out clearly the Council's position, as there is no existing policy statement. The issue has been discussed at full Council (September 2004) and by REOpps (October 2004). At its last meeting, Cabinet received a report on the legal issues surrounding such a policy and agreed that the policy should be brought to this meeting.
- 2.2 The policy confirms the right of people and organisations to demonstrate and to conduct political stands on the highway except where Cabinet decides that there is a risk to public order or some other legal requirement.
- 2.3 A consultation exercise has been undertaken which shows that people were in favour of a clear statement which confirms and supports civil liberties.
- 2.4 The overall viewpoint expressed was that most people were satisfied with the status quo but felt strongly that civil liberties should be confirmed, enhanced and promoted by the Council.
- 2.5 This view was further detailed in a concern that public order be upheld, and that lawbreaking (ie. obstruction, inciting racial hatred, going against the Council's Equal Opportunities policy) should be curtailed.

3. Recommendations

- 3.1 Cabinet is recommended to accept the proposed policy relating to political stands and campaigning on the highway (Appendix 1).

4. Headline Legal Implications (Clive Tobin)

- 4.1 In view of the widespread legal implications, a report was presented to Cabinet at its meeting of 29 November 2004 to advise councillors. It has also informed policy development.
- 4.2 The rights to hold opinions, assemble and express those opinions are fundamental rights protected by the Human Rights Act. The council may only interfere with these rights in accordance with the law; and in limited circumstances for specific reasons, in particular to protect public order, health or morals, to prevent disorder, or crime or to protect the freedoms of others. Accordingly this matter must be considered in two stages.
- 4.3 First the city council must have a legal power to exercise. For processions or assembly this only applies where the Police ask the city council to make an order under the Public Order Act 1986 to prohibit the activity. Before making an order the council must be satisfied that there is evidence of a likelihood of public disorder.
- 4.4 The second matter to consider is proportionality. The city council should only make an order under the 1986 Act if satisfied that this is the only way to prevent disorder.
- 4.5 It is permissible for decisions as to whether to make an order under the 1986 Act to be taken in a manner which involves members from each party represented on the council.
- 4.6 In some circumstances, those participating in small scale political activity on the highway may cause an obstruction. Should this occur the council must have regard to the tests contained in the council's Prosecution Policy before deciding whether to take action against them. It will rarely be the case that such action is appropriate.

5. Headline Financial Implications

- 5.1 There are no financial implications arising directly from this report.

6. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph references within supporting information
Equal Opportunities	Yes	Appendix 1
Policy	Yes	Appendix 1
Sustainable and Environmental	No	None
Crime and Disorder	Yes	Appendix 1
Human Rights Act	Yes	Appendix 1
Elderly/People on Low Income	No	

7. Consultation

7.1 Head of Legal Services, City Centre Manager, Service Director for Highways and Transportation, Organisations and general public via council website

8. Background Papers

Local Government Act 1972, Report to Cabinet on Political Activity, 29-11-04
Relevant legislation and case law.

9. Report Author / Officer to contact:

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DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Cabinet

Appendix 1

Political Activity on the Highway

Policy Statement

- 1.1 The City of Leicester has welcomed and supported, over many years, the freedom of individuals and organisations to use the public highway, in a controlled and appropriate manner, to express and / or promote a variety of opinions and beliefs. This reflects the diversity of its population and their opinions, value systems and beliefs, and thus preserves and promotes the principles and practice of freedom of speech.
- 1.2 Leicester City Council upholds the right of individuals and organisations to conduct political activity and campaign on the highway except where Cabinet decides that there is a risk to public order or some other legal requirement.
- 1.3 Where the Police ask the Council to make an order under the 1986 Public Order Act to prohibit a procession or assembly a decision will be made by the Cabinet after consultation with the Leaders of the other Parties represented on the Council.

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