



Leicester  
City Council

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:  
Cabinet**

**9th April 2001**

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**Proposed National Front March – 21st April 2001**

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**Report of the Town Clerk and Director of Corporate Resources**

**1. Purpose of Report**

- 1.1 To appraise the Cabinet of the implications of a proposed national march in Leicester by members of the National Front on Saturday, 21st April 2001 and to seek Cabinet's agreement to the Town Clerk considering any application to the Council made by the Chief Constable prohibiting the National Front or associated march and, as deemed necessary, making an Order, with the consent of the Secretary of State.

**2. Summary**

- 2.1 Members of the National Front have publicised their intention to hold their Annual National March in Leicester on Saturday, 21st April 2001. Their stated view is that it is a non-political event, for St George's Day, and they hope there are no problems. Numerous community and religious leaders have expressed their opposition to the proposed march, seeing it as an extreme right wing and racist group seeking to disturb the harmonious relations which have been built up within the city. Others, whilst expressing their concerns at the proposed march, have voiced a preference, on balance, for preserving freedom of expression.
- 2.2 The harmonious relationships which have developed between all of Leicester's diverse communities over the past decades has already led to a widespread condemnation of the National Front's proposal, including from many of Leicester's community leaders. The message is that the march is neither welcome nor wanted within the city by the majority of Leicester citizens.
- 2.3 The date of Saturday, 21st April chosen by the march organisers (understood to be because of its proximity to St George's Day) clashes with home matches that same day by both Leicester Tigers Rugby Football Club and Leicester City Football Club.
- 2.4 Past experience indicates that the number of people supporting such a march is likely to be modest (100-200 people). Persons wishing to express their opposition to the march may be far larger in number. These are likely to 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 number of either rugby or football supporters.

- 2.5 Orders banning National Front marches have, in the recent past, been approved in respect of Worcester and Dover. Such a ban would not prevent members of the National Front gathering informally at one or more venues within the city.
- 2.6 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.
- 2.7 The Chief Constable is currently 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 will be willing to abide by any conditions the police may wish to impose upon them.
- 2.8 The Chief Constable may, at any time, having reviewed all the information and circumstances, consider that an application for a prohibition is the most appropriate way forward. To ensure that the Council can act speedily and with delegated authority, should the Chief Constable come to this view, the Cabinet is recommended to delegate authority to the Town Clerk to consider and, if it is deemed appropriate, to make an Order, with the consent of the Secretary of State, as soon as it is required by the Chief Constable.
- 2.9 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 prior to any such approach (if requested). 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 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, to prohibit the National Front march, or any other associated

march, on or around 21st April 2001 as soon as it is required by the Chief Constable;  
and

- 3.4 decide on any further action including as to whether representations should be made to the Secretary of State in advance of 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.

#### **5. Report Author/Officer to contact:**

- 5.1 Charles Poole  
Assistant Town Clerk  
(Corporate Services)  
Ext: 7015

## **PROHIBITING PUBLIC PROCESSIONS – LEGAL PROCESS**

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 proposed public procession will not be sufficient to prevent serious public 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.

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, the this Authority will need to take into consideration its obligations under the Human Rights Act 1998 when considering it.

The 1988 Act incorporated 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 freedoms of others.

Human Rights legislation does not prevent this authority from making an order under Section 13, but it 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.