

---

## DETERMINATION MADE IN RELATION TO THE COUNTY GRAND ORANGE LODGE OF BELFAST PARADE NOTIFIED TO TAKE PLACE IN BELFAST ON FRIDAY 12<sup>th</sup> JULY 2019

---

### INTRODUCTION

---

1. Section 8(1) of the Public Processions (Northern Ireland) Act 1998, provides that:

"The Commission may issue a determination in respect of a proposed public procession imposing on the persons organising or taking part in it or on any persons supporting it such conditions as the Commission considers necessary."

2. The Commission has noted the details provided on the Form 11/1 submitted on 13<sup>th</sup> June 2019 concerning the County Grand Orange Lodge of Belfast parade in Belfast on Friday 12<sup>th</sup> July 2019. The Commission has considered whether a determination under section 8 should be made in respect of this parade.
3. In considering whether to exercise its power under Section 8, the Commission has taken into account its previous determinations in relation to this parade. It has also considered all other aspects of the parade notified by the organisers, including its nature and purpose, and has considered all other information received in relation to it. The Commission has concluded that, in the particular circumstances, it should exercise its power under Section 8 to make a determination in the terms outlined in the following paragraphs.

### BACKGROUND

---

4. The notified purpose of this parade is "*To celebrate the 329<sup>th</sup> Anniversary of the 'Battle of the Boyne' by Divine Service and Procession in commemoration of King William III, Prince of Orange who brought civil and religious liberty to all.*"
5. The notified outward route is "*Carlisle Circus, Clifton Street, Donegall Street, Royal Avenue, Donegall Place (act of remembrance at cenotaph), Donegall Square North, Donegall Square West, Bedford St, Dublin Road, Shaftesbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue, Malone Road and Barnett's Demesne.*" The notified return route is "*Barnett's Demesne, Malone Road, Balmoral Avenue, Lisburn Road, Bradbury Place, Shaftesbury Square, Great Victoria Street, Wellington Place, Donegall Square North, Donegall Place, Royal Avenue, Donegall Street, Clifton Street and Carlisle Circus.*"

6. The notified number of participants is 10,000, including 24 bands "*plus those bands submitted on other 11/1 Forms.*" Ten of the bands are notified as originating from Scotland. The number of supporters is notified as '*unknown*'.
7. The outward parade is notified to commence at 10.00am from Carlisle Circus Area. The return parade is notified to commence at 4:15pm at Barnett Demesne and to disperse at 7:30pm at Carlisle Circus.
8. The County Grand Lodge of Belfast parade is the main Twelfth of July parade in Belfast. District Lodges LOL No 5 Sandy Row, LOL No 6 Ballymacarrett, LOL No 9 West Belfast and LOL No 10 Ballynafeigh 'join and leave the main parade' at different locations throughout the city.
9. A contentious stretch of the notified route is at Clifton Street/Donegall Street. The sensitivities at this location have been documented in previous Commission determinations, which are available on the Commission's website.
10. The Commission wrote to the organiser in August 2018 recognising the efforts that were made last year to ensure that the parade on the Twelfth passed off peacefully and without public disorder, and reflecting that the Commission appreciates that the parading situation in the Clifton Street/Donegall Street is more settled and stable than in previous years.
11. This letter also set out the complaints received last year about the conduct of some participants in Clifton Street/Donegall Street, including that a number of bands played music in breach of the Commission's condition of a single drumbeat, and that a number of supporters accompanied the parade. A further complaint related to conduct towards elected representatives and other observers on Donegall Street. The Commission has not received a response to this letter.
12. The Commission is concerned about specific incidents that occurred last year during the morning outward parade, including that the Rathcoole Protestant Boys Flute Band played music outside St Patrick's Church and shouted abuse at observers. Both the Purple Star Flute Band and South Belfast Protestant Boys whistled the tune of The Sash while passing St Patrick's Church. The Drumchapel Protestant Boys Flute Band shouted and whistled outside the Church. During the return evening parade, there were hostile verbal exchanges between parade participants and a group that had gathered at the garage on Clifton Street.
13. These conducts, in breach of the Commission's conditions, had the potential to heighten community tensions, and potentially undermine parading progress in the area.

14. The Commission's statutory Code of Conduct places responsibility on the organiser for the conduct of invited bands. The organiser is obliged to ensure that all participants in the parade are aware of the Code, and any conditions imposed on the parade. This is necessary for all bands, including bands from outside Northern Ireland.
15. The Code reflects the relationship between the parade organiser and invited bands. The Code states that 'Bands are often a key element of a procession and whether directly linked to the main parading organisation or not, will be closely associated with that organisation by onlookers. Their standards of dress, performance, music and behaviour have the potential to enhance or diminish the public's perception of the organisation.'
16. The Code of Conduct further states that 'It will be important, therefore, to establish and enforce high standards with bands at the outset and to ensure that these are reflected in any form of contract such as that used by the Orange Order.'
17. The Code also stipulates that 'It will also be important to ensure that band leaders are given written details of any restrictions which have been agreed or imposed and that these are complied with.'
18. A longstanding challenge for this large parade is the management of the flow of the parade at Clifton Street and Donegall Street, where there are often undue stoppages, the result of which is that bands are required to 'back up' in this area, whilst waiting for the parade to clear further along the route. The potential for tensions to build in the area is heightened when the parade ceases to move, and bands are left waiting for the parade to start moving again.
19. The Commission is particularly concerned this year that there is an increased risk of undue stoppages arising further along the parade route at Royal Avenue and Donegall Place, the impact of which may contribute to further bottlenecks in the parade along Clifton Street/ Donegall Street, especially near or in front of St Patrick's Church. Such stoppages contribute to heightened tensions and increase the risk of public disorder. There is a large policing operation in place along Clifton Street and Donegall Street.
20. This increased risk this year of undue stoppages and delays in the parade contributing to heightened tensions at Clifton Street/ Donegall Street is due to the physical changes along the route at Royal Avenue and Donegall Place. This is the traditional route taken by this Twelfth July parade. The route is, however, significantly narrower than in previous years, due to the Primark cordon, and due to recently installed fixed pedestrian barriers and other fixed street furniture.
21. The Commission, as in previous years, has had no engagement with the parade organiser about the parade route, nor any of the issues that the route may give rise to. The Commission's

information regarding the parade route is derived from the 11/1 notification form submitted by the organiser, and received by the Commission on 13 June. In any case, the County Grand Lodge of Belfast is responsible for choosing and notifying the parade route, reflecting the organiser's assessments about its suitability, and the organiser's risk assessments, including around safety.

22. The Code of Conduct requires the organiser to ensure that stewarding at all parts of the route is appropriate. The Code states that 'Stewarding is an important aspect in the control of those participating in public processions.' Responsibility for the proper stewarding of a parade lies with the organiser.
23. While the 11/1 form notification for the Grand Orange Lodge of Belfast parade states that the stewards at the Twelfth parade have received formal training, described as 'East Tyrone College NVQ Standard', and states that stewards will wear armbands, the organiser has not provided the information required on the 11/1 form regarding the number and names of marshalls. The Commission continues to seek from the organiser this information regarding the number and names of marshalls necessary for the completion of the 11/1 notification.
24. The Belfast Twelfth is an extremely large parade, with 10,000 participants, and thousands of supporters, and processes a long route. The Code of Conduct provides guidance for organisers including that stewarding arrangements should reflect the scale of the parade and the nature of the route. The Code states 'The number of stewards required will be influenced by the size of the public procession, the length of the route to be covered and the nature of the route. In built up areas, for example, it may be necessary to ensure that there are stationary as well as mobile stewards. It will also be necessary to ensure that stewards seek to ensure that supporters, as defined by the 1998 Act as amended, behave in an orderly and dignified manner where they are in proximity to the public procession.'
25. The Code requires stewards to be trained. 'Steps should be taken well in advance of the event to ensure that a chief steward and a sufficient number of trained stewards have been appointed. Training of stewards will not only involve providing clear instructions on the extents and limits of their responsibilities, but also giving advice on how to handle a range of unforeseen and difficult circumstances. Training must also ensure that stewards are fully aware of the provisions of public order legislation. Some of the points to be covered will include basic first aid and crowd management.'
26. The Commission has set out in this determination some of the important general advice contained in its Code of Conduct regarding the management of the parade, including the requirement for stewarding appropriate and commensurate to the scale of the parade, and the nature of the route, as notified by the organiser. The requirement for stewards to be trained is

included in the Code, which provides basic guidelines for the organiser's consideration. The Commission has requested from the organiser incomplete information on the 11/1 notification regarding the number and names of marshalls. The full Code of Conduct is available on the Commission's website.

27. The determination has also set out that the management of the conduct of the bands invited to take part by the Grand Orange Lodge of Belfast is especially important in Clifton Street/Donegall Street. The determination has emphasised the responsibility on the organiser to manage all aspects of the parade, and the important role that stewarding plays in the control of those participating in public processions. The proper management of the parade is vital for an enjoyable and peaceful Twelfth.
28. The Commission's statutory responsibilities are to consider the parade's impacts upon community relations, and the potential for public disorder. The Commission's assessment about the relative reduction in tensions about this parade reflects the history of this particular parade over a number of years, including last year and the Commission's understanding of the broader context within which the parade takes place: there is, in general terms, a marked reduction in parading tensions throughout Belfast and Northern Ireland. In respect of the Commission's further statutory consideration regarding the parade's impact on community life, it is recognised that there will be a significant disruption to the life of the city of Belfast on the Twelfth commensurate with the customary traditional Twelfth of July celebrations.
29. The Commission has then had regard to its statutory Guidelines in its considerations of the parade's potential for public disorder and the potential impacts upon community relations and community life. The Commission has considered all relevant human rights issues. The Commission has discharged these duties with reference, in the first instance, to information provided by the organiser on the 11/1 form, and with reference to the substantial body of information and evidence available to the Commission regarding this parade in particular, and parading in general. Notwithstanding the Commission's discharge of its statutory duties regarding the impact upon community relations, the responsibility for any assessment of the parade, including its route, regarding safety and other considerations, lies with the organiser.
30. The Commission has considered the necessity of issuing a determination on this parade. It has concluded that strict compliance with its Code of Conduct is required for this large parade, including the requirement for appropriate and effective stewarding. Conducts at Clifton Street/Donegall Street should adhere strictly to the Commission's Code of Conduct, reflecting the sensitivities of the location, including the location of St Patrik's Church. The avoidance of undue stoppages is, in the view of the Commission, critical to the achievement of a peaceful parade.

31. The Commission has also determined that a single drumbeat is the appropriate condition for this parade over the stretch of route from the Union Street junction with Donegall Street to the Westlink junction with Clifton Street.
32. The conditions imposed by the Commission are proportionate, necessary and fair in respect of this parade. The full determination is below.
33. The Commission continues to encourage all parties to this parading dispute to enter into dialogue to achieve an accommodation which reflects the needs of the local communities. As set out in the Commission's statutory rules, it is a fundamental principle that any structures established must have the confidence and endorsement of those most closely concerned.

### **LEGAL CONSIDERATIONS**

---

34. The Commission has had regard to the Guidelines issued under Section 5 of the Public Processions (Northern Ireland) Act 1998 ("the Guidelines"). The Commission has also been alert to its duties as a public authority under Section 6 of the Human Rights Act 1998. From the perspective of the parade organisers, the Convention rights engaged are those protected by Articles 9 and 10 and, in particular, Article 11. None of these rights is absolute.
35. Those who live, work, shop, trade and carry on business in the affected locality enjoy rights under Article 8 of the Convention and Article 1 of the First Protocol. Again, none of these rights is absolute. The Commission has also been mindful of the provisions of Article 17 and its obligations under Article 2 of the Convention.
36. It is not possible for all of those who would claim the benefit of the Human Rights Act 1998 to exercise and enjoy their Convention rights to the fullest extent where rights are in competition with each other. The Commission has therefore undertaken a balancing exercise, consistent with its statutory Guidelines, to make a determination that is fair and proportionate in all the circumstances.
37. As required by the statutory Guidelines, the Commission has had regard to the seven North principles. One of the seven fundamental principles identified by the North Report is that all those involved should work towards the resolution of difficulties through local accommodation.

38. As stated in paragraph 4.5 of the Guidelines, the Commission takes into account any communications between parade organisers and the local community or the absence thereof and will assess the measures, if any, offered or taken by parade organisers to address genuinely held relevant concerns of members of the local community.
  
39. Having considered all the evidence, information and advice available to it, the Commission has determined that conditions should be placed on the parade. In imposing these conditions, the Commission pursues the legitimate aims laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms of seeking to prevent disorder and to protect the rights and freedoms of others. The conditions are not such as to affect significantly the individual's right to assemble.
  
40. Having regard to the factors set out above the Commission considers that the conditions it now imposes are necessary and proportionate to the aim pursued and strike a fair balance between the needs of the community and the rights of the individual. The legal, factual and human rights issues are of considerable complexity and require, ultimately, the formation of a carefully considered and finely balanced judgement on the part of the Commission.

---

## DETERMINATION

---

**The Parades Commission's determination is that the following conditions are placed on the organisers and participants in the parade by the County Grand Orange Lodge of Belfast in Belfast on Friday 12<sup>th</sup> July 2019.**

- A. On the outward route, only a single drum beat, on a single side drum, shall be played on any section of the notified route between the junction of Clifton Street and the Westlink (the junction closest to Stanhope Street which is the first junction processing upwards towards Carlisle Circus) and the junction of Union Street and Donegall Street.**
- B. On the return route, only a single drum beat, on a single side drum, shall be played on any section of the notified route between the junction of Union Street and Donegall Street and the junction of Clifton Street and the Westlink (the junction closest to Stanhope Street which is the first junction processing upwards towards Carlisle Circus).**
- C. On the outward route, no supporters shall accompany the parade on any section of the notified route between the junction of Clifton Street and the Westlink (the second junction processing upwards towards Carlisle Circus) and the junction of Union Street and Donegall Street.**
- D. On the return route, no supporters shall accompany the parade on any section of the notified route between the junction of Union Street and Donegall Street and the junction of Clifton Street and the Westlink (the second junction processing upwards towards Carlisle Circus).**
- E. The parade organiser shall ensure that the parade shall begin and disperse promptly.**
- F. Only the bands notified on the Form 11/1 shall participate in the parade.**
- G. The organisers and all participants in the parade shall comply with the conditions set out in the Commission's Code of Conduct. For ease of reference, these are reproduced below.**
- H. As shown at Appendix B of the Code of Conduct, the Commission re-affirms that all participants in this parade must behave with due regard for the rights, traditions and feelings of others in the vicinity; refrain from using words or behaviour which could**





## **APPENDIX A**

### **Guidance for Anyone Participating in Parades**

#### **A. Behaviour**

All participants in parades should:

- behave with due regard for the rights, traditions and feeling of others in the vicinity,
- refrain from using words or behaviour which could reasonably be perceived as being intentionally sectarian, provocative, threatening, abusive, insulting or lewd,
- obey the lawful directions of parade organizers and stewards at all times, from assembly to dispersal,
- abide by the conditions of this Code of Conduct,
- comply with police directions and in accordance with legislation.

#### **B Dress**

No paramilitary-style clothing is to be worn at any time during a parade.

#### **C Parade**

Whenever possible, the parade should be positioned on one side of the carriageway so as to allow for the free flow of traffic, or as otherwise stipulated by police.

#### **D Route**

Participants should keep to the designated route as directed by the police.

#### **E Alcohol**

Alcohol should not be consumed immediately prior to, or during a parade. An organizer or steward, who believes a participant to be under the influence of alcohol, should take the necessary measures to remove that person from the parade.

#### **F Bands and Music**

Each band must clearly display its name. Restrictions on the playing of music will be in accordance with the conditions as set out in Appendix B of this Code. No musical instrument will bear any inscription or mark of a proscribed organization.

## **G Flags etc.**

Flags and other displays often have a legitimate historical significance, but in no circumstances should such items relating to a proscribed organization be displayed.

## **H Stewards**

The names of stewards will have been notified to the police and the Parades Commission at the time of notifying the proposed parade.

Stewards should:

- be properly trained
- be briefed by the organizers prior to the parade
- carry proof of their status at all times during the event, and provide this information to police on request
- be fully aware of their responsibilities and role
- be highly visible by means of jackets, singlets, armbands, etc.
- not consume alcohol before or during the parade
- co-operate with the police
- be prepared to identify to the police any persons in the parade who may be committing any offence against criminal law.

## **I Policing**

Organisers of parades must co-operate with the police from the time of submission of the notice of intention to parade until the parade disperses.

## **J Dispersal**

When a parade has concluded, all those taking part must disperse immediately. It will be the responsibility of the organizers to ensure compliance with instructions in this regard.

## **K Abiding by Conditions**

Organisers must ensure that all participants in any parade have been informed of any conditions imposed. As a general principle, the organiser is responsible for the behaviour of all participants and for ensuring compliance with the Code of Conduct.

## **APPENDIX B**

### **Guidance for Anyone Participating in Parades in the Vicinity of Sensitive Locations**

#### **A Places of Worship**

Only hymn tunes should be played.

When church services are taking place, no music should be played.

There should be no irreverent behaviour.

Marching should be dignified.

#### **B War Memorials and Cemeteries**

Only hymn tunes should be played.

Behaviour should be respectful.

Marching should be dignified.

#### **C Where the Majority Population of the Vicinity are of a Different Tradition, and in Interface Areas.**

Behaviour should be respectful.

There should be no excessively loud drumming.

Participants should refrain from conduct, words, music or behaviour which could reasonably be perceived as intentionally sectarian, provocative, threatening, abusive, insulting or lewd.

Marching should be dignified.