
**DETERMINATION MADE IN RELATION TO THE CAVEHILL TEMPERANCE LOL 1956
PARADE NOTIFIED TO TAKE PLACE IN BELFAST ON FRIDAY 12 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 11th June 2019 concerning the Cavehill Temperance LOL 1956 parade in Belfast on Friday 12th 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 is "*Feeder Parade.*"
5. The notified route is "Cavehill Road from Cavehill Methodist Church, Cavehill Inn, Cavehill Road."
6. The notified number of participants is 70 including 1 band, the Harthill Loyalists Flute Band from Scotland. There are no supporters notified.
7. The parade is notified to commence at 8.15am from Cavehill Methodist Church on the Cavehill Road and to disperse at 8.25am from Cavehill Inn on the Cavehill Road.
8. This new parade took place for the first time on 12th July 2018.

9. Cavehill Temperance LOL No 1956 ('the Cavehill lodge or 'the lodge") was re-formed in 2018. In its first year as a re-constituted organisation, several parades by this lodge have been contentious, with the Cavehill lodge the source of emerging new sensitive parades in North Belfast. There may in the past have been parades by a lodge with this name, but these pre-date the Commission's records from 1998.
10. The lodge first came to the Commission's attention in June last year when it received substantial objections from residents about the lodge's parade 'to float the banner' to the worshipful master's house in Kilcoole Gardens. Concerted efforts by many individuals and groups, including the lodge, helped alleviate the concerns about the parade.
11. The lodge 'floated the banner' again this year in Kilcoole Park, again with objections from residents in the wider Kilcoole Park neighbourhood. The Commission found that the lodge had made insufficient efforts to avoid a repetition of the tensions of the previous year.
12. Other parades by the lodge include three feeder parades to the main Belfast 12th July parade last year. The lodge has notified the same feeder parades this year, including the parade under consideration. Each of the feeder parades is notified separately.
13. These three feeder parades take place in North Belfast a short distance from each other, with a bus transporting the lodge between each of them. The lodge's pattern of parading on the 12th morning, from about 7.45am to 9.30am, is as follows:
 - a. First feeder – the first is along Kilcoole Gardens and Kilcoole Park, off the Ballysillan Road ('the Kilcoole feeder'). The Commission considered the community relations impacts of this parade last year, but did not impose conditions.
 - b. Second feeder – the lodge journeys by bus to the Cavehill Road where it parades along a middle section of the Cavehill Road. The Commission received complaints after this parade took place last year
 - c. Third feeder – this parade from North Belfast Orange Hall to Carlisle Circus includes the sensitive parading area at Donegall Street and Clifton Street. The Commission imposed music and supporter conditions this year and last year.
14. Objections to the Commission about the Kilcoole and Cavehill Road 2019 feeders were first received on 3rd July this year.
15. Representatives on behalf of residents described the community's understanding of the parades in the following terms:

'on the 12th morning, they intend to leave Kilcoole Park at 8 am to get on a bus presumably to the Cavehill Methodist Church on the Cavehill Road to march down to

the Cavehill Inn on the Cavehill Road to get on a bus to celebrate the rest of the Twelfth.'

16. The thrust of complaints is that residents cannot understand why the lodge needs to have two parades within a short distance of each other, and do not understand why the Cavehill Road parade is taking place at all. There is no tradition of parades on the Cavehill Road (there have been comments about parades there in the 1950s) with the residential area being described as 'mixed' or 'nationalist.' There is scepticism about a 'new lodge getting off a bus to parade for a few minutes along part of the Cavehill Road, up close to what was until recently an interface.' Objectors who linked the two parades argued that neither of them should be happening, that they were disturbing the balance of relationships in settled communities. Other representatives focused solely on the Cavehill Road feeder and the impression amongst residents that it is 'designed purely to stir up tensions.' There is 'no local support for it.' A number of residents have variously stated that it is a mixed community, and that the parade 'will achieve nothing only stirring up of tensions.'
17. Further representation is that people 'do not understand why the Orange Order wants to parade in areas where they are clearly not welcome when there are numerous areas in North Belfast where they are.' Residents have also complained that 'there is no traditional aspect to the parade, and residents view it as an attempt to intimidate. Also, that this is not what the area needs. It will threaten and intimidate many people in the Cavehill Road and lead to strained community relations which have in the not too distant past been extremely fraught.' Others have stated that 'the lodge is merely trying to undo the good work that has been done' regarding community relations.
18. A Cavehill Road resident has stated that while the parade was not part of their tradition, they believed that people in the area should show tolerance and not object to the parade. Many representatives stressed that their view was not partisan to 'one side or the other' with representation including that 'parades from either side of the community are not inclusive events.'
19. The area has been described variously to the Commission as 'peaceful,' 'quiet,' 'mixed' 'residential' where 'relations between neighbours are excellent.'
20. The organiser has made a submission to the Commission that 'on the 12th July last year, we took the exact same route and the parade commenced at the same time. No complaints were made prior to the parade or, to our knowledge, after the parade..... During the same parade last year, there was no police presence, no disruption, no

disorderly behaviour. The only members of the public visible were three residents from the Westland Estate.....The parade itself took approximately eight minutes to complete’.

21. The organiser has also submitted that ‘We are a Cavehill lodge, with the crux of our members residing within and around the local area. It gives us a sense of pride to parade on a road we know so well, displaying our banner, which depicts the Cavehill and the Belfast Castle.’
22. The organiser has set out the rationale for the route. Its starting point at the Cavehill Methodist Church is ‘where many of the lodge’s original members worshipped and where a number of our current members worship. After a short prayer, led by our lodge Chaplain, we parade in a dignified manner to the breakup point outside the Cavehill Inn at the junction of Westland Road, which is a unionist area’.
23. The organiser has stated that the route was chosen to avoid the Catholic Church, stating that ‘we took into consideration the local Chapel (which no longer functions as a place of worship). We also took into consideration the length of the road and the possibility of disruption caused by a return parade.’
24. The Commission has considered the organiser’s stated commitment to ‘dialogue and constructive conversation,’ described as ‘We have, as a lodge, in our short history, always been open, and remain so to dialogue and constructive conversation with those who have a genuine interest in finding accommodation, and who respect our rights to express our cultural rights within the area we were born, reared and lived in.’
25. The Commission has heard from representatives in support of the parade that it is logical that a lodge called Cavehill Temperance would parade on the Cavehill Road, and that there were loyal order parades in this area in the past. Other representation in support of the parade is that it only takes 10 minutes or less to parade the notified stretch of the Cavehill Road and that it passed off without incident last year.
26. The Commission has considered the organiser’s explanations for it, including that it is an expression of ‘cultural beliefs within the area we were born, reared and live in.’
27. The Commission has considered too the objections to the parade. These include that residents do not understand why the parade is occurring at all, why the lodge gets off a bus, walks part of the Cavehill Road, described variously as mixed or nationalist, and ‘gets on the bus again’.

28. Representatives opposed to the parade believe that it would be more broadly supported along the Westland Road which is the street adjacent to the organiser's notified dispersal point at Cavehill Road and described by the organiser as 'a unionist area.'
29. The Commission has 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.
30. The Commission has accepted that there may be some community disruption caused by the lodge and band holding an early morning parade along a residential street.
31. The Commission has recognised residents' fears regarding the intentions and motives of the lodge starting a new parade, and accepts that notification of the parade causes disruption to the finely balanced community relations in the area. The Commission has considered the lodge's offer of dialogue, but has also taken account of residents' fears that the parade is 'an attempt to intimidate residents on this stretch of road.'
32. The Commission has concluded that its considerations hinge primarily on the community relations impacts of the parade.
33. The Commission accepts that notification of this new parade in a mixed area has an adverse impact on community relations, and that it disturbs finely balanced relationships.
34. In fulfilling its duty to consider the rights of those living in their own neighbourhoods in balance with the rights of the lodge regarding freedoms of expression and assembly, the Commission has concluded that the potentially adverse impact on community relations of this feeder parade are disproportionate to the significance of it processing the Cavehill Road.
35. The Commission has determined that the parade may not proceed along any part of the Cavehill Road but may instead proceed along Westland Road to the junction of Westland Way.
36. This amended route on Westland Road is close to the Cavehill Road route notified by the organiser. There is an obligation on the organiser to ensure that, if the organiser decides to process the amended route, that the parade it is not disproportionately disruptive to residents, including that noise levels are kept to a minimum, and that all other obligations and responsibilities of the organiser are fulfilled. These are the basic responsibilities of any organiser of any public event, but are essentially important in a residential area. It is

ultimately the responsibility of the organiser to consider the impacts of their parade, and take all steps to mitigate these.

37. As this parade is linked to the Kilcoole feeder parade, the Commission refers interested parties to the determination available on its website, setting out its considerations and the rationale for the Commission's decision that the Kilcoole Park feeder may proceed along its notified route.
38. The full determination regarding the Cavehill feeder parade is set out below.

LEGAL CONSIDERATIONS

39. 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.
40. 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.
41. 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.
42. 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.
43. 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.

44. 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.
45. 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 organiser and participants in the parade by Cavehill Temperance LOL 1956, in Belfast on Friday 12th July 2019.

- A. The parade is prohibited from assembling on, or processing any part of the Cavehill Road.**
- B. The parade may instead assemble on the Westland Road at its junction with the Cavehill Road and may proceed along Westland Road to its junction with Westland Way.**
- C. The parade shall disperse at the Westland Road junction with Westland Way.**
- D. The parade organisers shall ensure that the parade begins and disperses promptly.**
- E. Only the band notified on the Form 11/1 shall participate in the parade.**
- F. When the parade is in progress there shall be no undue stoppages or delays.**
- G. The parade organisers shall ensure that all participants including any marshals, band leaders and band members are given written details of the conditions.**
- H. The organisers and all participants in the parade shall comply with the conditions set out in the Code of Conduct. For ease of reference, these are reproduced below.**
- I. As shown at Appendix A 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 reasonably be perceived as intentionally sectarian, provocative, threatening, abusive, insulting or lewd; obey the lawful directions of parade organisers and stewards at all times, from assembly to dispersal and comply with police directions and in accordance with legislation.**

- J. The Commission further re-affirms the importance of respectful behaviour in the vicinity of interface areas, namely that there shall be no singing, chanting, or loud drumming and that marching should be dignified. More generally, no paramilitary-style clothing is to be worn at any time during the parade and flags, bannerettes and symbols relating to a proscribed organisation shall in no circumstances be displayed.
- K. The parade organisers shall arrange for the presence of an adequate number of stewards to ensure that all parade participants act in an orderly manner.
- L. The parade organisers shall ensure that all stewards and participants obey any direction given by the police in relation to this parade.

Signed: Ane Henderson
(On behalf of the Commission)

Date: 8/7/19

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 organisers 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 organisation.

G Flags etc.

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