
DETERMINATION MADE IN RELATION TO THE RAVENHILL ROAD VOLUNTEERS LOL 580 PARADE NOTIFIED TO TAKE PLACE IN BELFAST ON SATURDAY 16th NOVEMBER 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 16th October 2019 concerning the Ravenhill Road Volunteers LOL 580 parade in Belfast on Saturday 16th November 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 considered all 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 stated purpose on the 11/1 notification is *"After dedication of new banner in Ballymacarrett Orange, to parade our banner through the old Lagan Village which is where our lodge was formed in 1894."*
5. The notified route is *"Paulett Avenue, Albertbridge Road, Ravenhill Road, My Lady's Road, Cherryville Street, Woodstock Road, Beersbridge Road, Pottinger Street, disperse at Lagan Village Rangers Supporters Club."*
6. The notified number of participants is 50, including 1 band with 25 members. The number of supporters is notified as 'not known'.
7. The proposed parade on Saturday 16th November is notified to commence at 3.00pm from Paulett Avenue, adjacent to Ballymacarrett Orange Hall on the Albertbridge Road. The parade is notified to disperse at 3.45pm at the Lagan Village Rangers Supporters Club.

8. This is a new parade that encompasses the Albertbridge Road interface. The other major road along the route is the lower end of the Ravenhill Road. These are busy arterial roads, including on a Saturday afternoon when the parade is notified to take place.
9. The purpose of the new parade is to parade a newly dedicated banner from Paulett Avenue adjacent to the Ballymacarrett Orange Hall through an area that encompasses '*the old Lagan Village*' area. The 11/1 notification states that the Ravenhill Road Volunteers LOL 580 lodge was formed there in 1894.
10. The Commission understands that the organiser does not intend that his new parade would be an additional annual parade but that it would be a 'one-off' parade for the specific purpose of parading the lodge's new banner. The Commission is aware of the significance to Loyal Order Lodges of traditions regarding banners, and that a new banner is an important milestone in the life of a lodge.
11. The Commission has not heard directly from the organiser who has stated to Commission staff that he will not engage directly with the Commission. The Commission has therefore not had the opportunity to explore with the organiser the significance of the lodge's chosen route along the Albertbridge Road and the Ravenhill Road, nor to explore with the organiser any efforts by the lodge to communicate with those impacted by the parade. The Commission has instead relied on the information provided by the organiser on the 11/1 notification form and information provided to the Commission Secretariat. The Commission has also drawn upon its own records of parades in the Albertbridge Road/Ravenhill Road area, its knowledge of parading traditions in the area, and its understanding of the parading dynamic in this part of East Belfast.
12. A significant part of the route is the Albertbridge Road. There are 3 annual Loyal Order parades along the Albertbridge Road interface, one of which is held by the Ravenhill Road Volunteers LOL 580: the route of its Twelfth morning feeder parade is from Park Avenue on the Ravenhill Road along the Albertbridge Road to Templemore Avenue. The other two annual Loyal Order parades along the interface are in May and July each year. These involve major policing operations.
13. The route of the new parade includes the lower end of the Ravenhill Road. The Commission understands that the lodge attaches some importance to its historic links with the lower Ravenhill Road area, formerly known as '*Lagan Village*,' and that the lodge's constitution states that its banners should be paraded there. The Commission has received no evidence that the organiser has made any attempt to explain to those potentially impacted by the parade why and how the '*old Lagan Village*' is significant to the lodge, nor

to explain where it is. There is a responsibility on organisers to communicate with the wider community whose normal everyday activities may be disproportionately disrupted.

14. The Commission further notes that the route chosen by the organiser has not previously been notified to the Commission, which has no record of any previous parade from Paulett Avenue, via Albertbridge/Ravenhill Roads, to the Lagan Village Rangers Supporters Club a few streets away. The route is therefore not a traditional route known to the Commission.
15. The Commission has considered the potential disruption of the parade to the life of the community, including traffic and other disruption on a Saturday afternoon at the busy Albertbridge and Ravenhill Road areas. In assessing the potential disruption, the Commission has reflected on its statutory Guidelines which state that *'All processions, no matter how small, cause some disruption, if only by temporarily curtailing the flow of traffic. That is an inevitable feature of processions, and in some circumstances, related protest meetings, which is not, by itself, sufficient to require that people should be constrained from exercising the fundamental right of freedom of assembly. The question the Commission must therefore address is whether the level of disruption caused by the exercise of the right to assembly is disproportionate to the significance of the procession or related protest meeting to those participating or to the community they claim to represent.'*
16. In addressing this issue of disruption to the life of the community, the Commission has received no information from the organiser regarding the choice of the date of 16 November for this new parade, nor its timing on a Saturday afternoon.
17. Regarding the management of the parade through traffic and other road users, the Commission has been unable to explore with the organiser his assessment that the parade would take up half a lane of traffic, and would take only 5 minutes to process the Albertbridge Road. The organiser has provided no assurances about these arrangements. The failure of the organiser to engage directly with the Commission about a new parade in a busy area is a serious concern.
18. The Commission has considered the potential impact on community relations of the proposed parade. The Commission is aware of objections to the parade.
19. The records of the Commission demonstrate that new parades in areas with historic intercommunal tensions are potentially destabilising, especially in areas with existing unresolved parading disputes.
20. The Commission's specific finding regarding the new parade by Ravenhill Road Volunteers LOL 580 is that it presents at the Albertbridge Road, an area of historic intercommunal

tensions, a potentially destabilising event for community relations, disproportionate to the parade's significance.

21. The Commission has considered the potential for public disorder, noting that the finely balanced community relations in the area have previously been undermined and challenged by parades and related protests.
22. The Commission has concluded that the potential level of disruption caused by this new parade on a Saturday afternoon along the busy Albertbridge and Ravenhill Roads is disproportionate to the parade's significance.
23. The Commission has therefore determined that the new parade may achieve its purpose of parading with a new lodge banner to the Lagan Village Rangers Supporters Club along an alternative route that avoids the Albertbridge and Ravenhill Roads. The diversion from these roads reflects the parade's disproportionate impacts at these busy arterial locations. The diversion reflects too the Commission's concerns about the community relations' impacts of a new parade in an area where there are finely balanced community relationships. The organiser has refused to engage directly with the Commission about this new parade, and has provided no assurances about any aspect of it.
24. The Commission has concluded that the most appropriate alternative route for this new parade is a direct route along Templemore Avenue and Castlereagh Street, where many parades are held each year, none of which give rise to objections nor complaints.
25. This amended route enables the organisers to exercise freedoms of assembly and expression regarding the parade of the lodge's new banner at the date and time of their choosing at 3pm to 3.45pm on Saturday 16th November, while reducing the disproportionate traffic and other disruption on busy arterial routes on a Saturday afternoon. The amended route will also mitigate the community relations' impacts of a new parade at a sensitive East Belfast interface. The full determination is set out below.

LEGAL CONSIDERATIONS

26. 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.

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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 the Ravenhill Road Volunteers LOL 580, in Belfast on Saturday 16th November 2019;

- A. From its notified assembly at Paulett Avenue, the parade shall turn directly left from Paulett Avenue onto the Albertbridge Road and shall proceed towards the junction of Templemore Avenue, where it will turn right into Templemore Avenue. The parade shall then proceed along Templemore Avenue to the junction of Castlereagh Street where it shall turn right into Castlereagh Street. The parade shall proceed along Castlereagh Street to Castlereagh Place and its notified dispersal at Lagan Village Rangers Supporters Club.
- B. The parade organisers shall ensure that the parade begins and disperses promptly.
- C. Only the band notified on the Form 11/1 shall participate in the parade.
- D. When the parade is in progress there shall be no undue stoppages or delays.
- E. The parade organisers shall ensure that all participants including any marshals, band leaders and band members are given written details of the conditions.
- F. 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.
- G. 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.

- H. 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.**
- I. 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.**
- J. 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: 6/11/19

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.