DETERMINATION MADE IN RELATION TO THE KILLOWEN LOL 930 PARADE NOTIFIED TO TAKE PLACE IN COLERAINE ON FRIDAY 1ST JULY 2022.

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 5 May 2022 concerning the Killowen LOL 930 parade, in Coleraine on Friday 1 July 2022. The Commission has considered whether or not a determination under Section 8 should be made in respect of this parade.

3. In considering whether or not 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 "To Commemorate the 106th Anniversary of the Battle of The Somme."

5. The notified outward route is "Winston Way, Killowen Street, Shuttle Hill, Killowen Orange Hall (Coleraine Fife and Drum Band only), Main parade (all bands) - Shuttle Hill, Killowen Street, Pates Lane, Somerset Drive, Drumard Drive, The Rope Walk, Kylemore Road, Hazelbank Road, Pates Lane, Killowen Street, Waterside, Old Bridge, Circular Road, Milburn Road, Union Street, Railway Road, Kingsgate Street, Church Street, New Row, War Memorial at Diamond."

The notified return route is "The Diamond, Church Street, Kingsgate Street, Long Commons, New Market Street, New Row, Church Street, The Diamond, Bridge Street, Old Bridge, Waterside, Killowen Street, Evening Hymn at Maconaghie Hall (Approx 5 mins), Shuttle Hill."
6. The notified number of participants is 1000, including 20 bands and an unknown number of supporters.

7. The outward route is notified for 6.50pm to 8.15pm. The return route is notified for 8.45pm dispersing at 10.45pm.

8. The Coleraine Fife and Drum Band is the only band notified to process with Killowen LOL 930 the first part of the outward route from Winston Way to Killowen Orange Hall. The main parade, including the other 19 named bands, will commence at the Orange Hall.

9. The sensitivities arising from the proposed annual parade by Killowen LOL 930 are in regard to the notified circuit by the main parade into the mixed residential Heights area of Coleraine. The history and background to parades in the Heights area have been set out in previous Commission determinations, published on the Commission’s website.

10. The Commission has received representation raising concerns over part of the proposed outward route which includes Pates Lane, Somerset Drive, Drumard Drive, The Ropewalk, Kylemore Road, Hazelbank Road and Pates Lane. The representation identified previous tensions and incidents of anti-social behaviour associated with the parade in the past and stated that, if the full parade were allowed to process the entirety of the route, it would risk increasing tensions. The representation also noted concerns should supporters of the parade be allowed onto Pate’s Lane including in vehicles.

11. The Commission received representation in support of the parade stating it is a "traditional, peaceful and respectful march to commentate all sections of the community who fought for the freedoms that we enjoy today."

12. 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.

13. The Commission has concluded that it remains necessary and proportionate that the host Lodge and Coleraine Fife and Drum band only process the full route into Pates Lane and into the Heights area. As in previous years, the number of participants for this stage of the parade is limited to 145.

14. The Commission has also clarified in its determination that no supporters of the parade may accompany the parade into Pates Lane, Somerset Drive or any part of the Heights. This is required
to manage the potential for conflict and disorder arising from encounters between opposing parties, and to avoid the events of 2018, when a number of parade supporters entered Pates Lane, and when there was one arrest for disorderly behaviour by an individual opposed to the parade.

15. The Commission has further determined that conditions regarding compliance with its statutory Code of Conduct are necessary, proportionate and fair in respect of this parade. It is particularly important that the organiser ensures that the conduct of the parade in Pates Lane, Somerset Drive and the Heights area is compliant with the Commission’s statutory Code of Conduct.

16. 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 is 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.

17. The Commission’s decision that the local lodge and band only may process the Heights area, including Somerset Drive, strikes a balance between the competing rights of the parties, while mitigating the adverse impacts upon local residents and others. The full determination is set out below.

18. Given the ongoing Covid-19 pandemic, the Commission draws to your attention that responsibility for compliance with current Covid-19 Regulations and the public health risks of the parade are the responsibility of the parade organiser.

LEGAL CONSIDERATIONS

19. 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.

20. 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.
21. 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.

22. 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.

23. 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.

24. 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.

25. 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 Killowen LOL 930 on Friday 1 July 2022.

A. The host Lodge and accompanying band only may process the full route along Pates Lane and into the area known as the Heights. The number of participants for this stage of the parade shall not exceed 145.

B. Only Killowen LOL 930, along with Coleraine Fife and Drum Band, shall proceed into the area known as the Heights and process the notified route from Pates Lane, Somerset Drive, Drumard Drive, Rope Walk, Kylemore, Hazelbank, Pates Lane returning to Killowen Street where the rest of the parade shall fall in behind Killowen LOL 930 and Coleraine Fife and Drum Band and proceed along the notified route.

C. Supporters of the parade are prohibited from entering into Pates Lane, Somerset Drive or any other part of the area known as the Heights.

D. The main parade shall process the notified route from Killowen Orange Hall as far as Killowen Church on Killowen Street and shall not proceed into Pates Lane or any part of the area known as the Heights.

E. Only the bands notified on the Form 11/1 shall participate in the parade.

F. The parade organiser shall ensure that the parade shall begin and disperse promptly.

G. When the parade is in progress there shall be no undue stoppages or delays. Where practicable the parade shall stay close to the near side of the road at all times to minimise disruption and to facilitate the passing of vehicular and other traffic.

H. The organiser shall arrange for the presence of an adequate number of stewards to ensure that all parade participants act in an orderly manner.
I. 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.

J. 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.

K. 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.

L. The parade organiser shall bring to the attention of stewards the guidance for parade participants contained in Appendices A and B of the Commission’s Code of Conduct. For ease of reference Appendices A and B are reproduced below.

M. The parade organiser shall ensure that all stewards and participants obey any direction given by the police in relation to this parade.

N. The parade organiser shall ensure that these conditions are drawn to the attention of all participants.

Signed: ..................................................
(On behalf of the Commission)

Date: ..................................................
8 June 20??
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.