DETERMINATION MADE IN RELATION TO THE WHITEROCK LOL 974 PARADE
NOTIFIED TO TAKE PLACE IN BELFAST ON TUESDAY 12th 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 23rd May 2022 concerning the LOL 974 parade in Belfast on Tuesday 12th 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 noticed purpose is "To meet No.9 District."

5. The notified outward route is "Whiterock Orange Hall, Dunboyne Park, Springfield Road, Workman Avenue, Ainsworth Link, Ainsworth Avenue, Shankill Road, West Belfast Orange Hall.” The return route is notified as being “West Belfast Orange Hall, by bus to West Circular Road/Springfield Road Junction, Springfield Road, Dunboyne Park, Whiterock Orange Hall.”

6. The notified number of participants is 65, one band and an unknown number of supporters.

7. The outward parade is notified to commence at 08.00 from Whiterock Orange Hall and to disperse at 08.45 at the West Belfast Orange Hall.

8. The return parade is notified to commence at 18.00 at West Belfast Orange Hall and to disperse at 18.30 at Whiterock Orange Hall.
9. Tensions surrounding this parade continue to centre on the Springfield Road, especially that part of the notified route which involves crossing the peace line at the Workman Avenue security gates. The Commission has set out in its previous determinations (available on the Commission’s website) the context, history and community sensitivities around this annual parade and the reasons for the imposition of conditions.

10. The Commission understands that the parade organiser has not engaged with the local community in relation to this proposed parade and that a local accommodation has therefore not been reached. The Commission notes that paragraph 2.1(c) of the Code of Conduct states that:

"If the parade will pass through an area where the majority population are of a different tradition, or through an interface area, it would be important for the organiser to take steps to establish a line of communication between the parties. Efforts should be made to meet the reasonable concerns of residents."

11. The Commission has heard from representatives of the nationalist community that it is feasible to achieve an accommodation which provides for a largely uncontested parade on the Springfield Road. Such an accommodation would build confidence within both communities but requires dialogue between parade and protest organisers and residents’ groups across the interface.

12. The Commission has received representation that in 2021 the band breached the determination and played ‘non hymn tunes’ on the Springfield Road after its junction with the West Circular Road roundabout.

13. In the absence of an accommodation about this parade, 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.

14. The Commission has determined that, on the outward route, no part of the parade may cross the peace line through the Workman Avenue gates but should instead proceed via the Invest NI site. The Commission has further determined that no supporters shall take part in the parade between the junction of the West Circular Road and Springfield Road, and the junction of Springfield Road and Invest NI.
15. The Commission has also determined that a single drum beat on a single side drum only shall be played between the junction of the West Circular Road roundabout and the Springfield Road, and the traffic lights on the roadway to the Invest NI site at its junction with the Springfield Road.

16. The Commission has considered all information and representations received in relation to this parade and is satisfied that the conditions imposed are necessary, proportionate and fair. The full determination is below.

17. 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

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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 LOL 974 in Belfast on Tuesday 12th July 2022.

A. The parade, on its notified outward route, is prohibited from proceeding beyond the junction of Springfield Road and Invest NI. It shall instead turn left and process the roadway through the Invest NI site, to its junction with Woodvale Avenue. Here it shall turn right onto Woodvale Avenue, then right onto Workman Avenue, and process to the junction of Workman Avenue and Forth Parade, where it shall resume the remainder of its notified route.

B. No supporters shall take part in the parade between the junction of the West Circular Road and Springfield Road, and the junction of Springfield Road and Invest NI.

C. A single drumbeat on a single side drum only shall be played between the junction of the West Circular Road roundabout and the Springfield Road, and the traffic lights on the roadway to the Invest NI site at its junction with the Springfield Road.

D. Only the band notified on the Form 11/1 shall participate in the parade.

E. The parade organisers shall ensure that the parade begins and disperses promptly.

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

Date: ............16th June 2022.................................
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.