



DERBY CITY COUNCIL

## COUNCIL CABINET 14 MARCH 2005

### Report of the Director of Corporate Services

## Section 13 Public Order Act 1986

### RECOMMENDATION

- 1.1 To authorise the Director of Corporate Services to seek the consent of the Secretary of State to the making of an order to prohibit all public processions in the city from 1200 hrs on 15 March to 1200 hrs on 19 March 2005.
- 1.2 To authorise the Director of Corporate Services to take any further action in consultation with the Leader he considers necessary in the interests of maintaining public order.

### REASONS FOR RECOMMENDATION

2. The Deputy Chief Constable has applied for the Council to make such an order as he believes that other powers will not be sufficient to prevent the holding of public processions from resulting in public disorder.

### SUPPORTING INFORMATION

- 3.1 The Council received, on 11 March, a request from the Deputy Chief Constable of Derbyshire Constabulary to make an order under Section 13 of the Public Order Act 1986, prohibiting the holding of all public processions in the city from 1200 hrs on Tuesday 15 March to 1200 hours on Saturday 19 March 2005.
- 3.2 As members are aware, the G8 Environmental Summit is to take place at Breadsall Priory between 17 and 19 March.
- 3.3 A mass attendance of protestors in Derby for lawful demonstration is being accommodated on Derby Market Place through the provisions of a Section 14 Order under the Public Order Act 1986. This will allow for a lawful protest/demonstration between 1000 hours and 1500 hours on Thursday 17 March 2005 with a limit on numbers of 3000 participants set with reference to the Council's risk assessment.
- 3.4 No notice of any procession has been received by the Police, but they have received intelligence that a public procession will be held.
- 3.5 The Deputy Chief Constable has informed me that he is privy to intelligence and information which leads him to believe that powers under Section 12 of the 1986 Act will not be sufficient to prevent this public procession resulting in serious public disorder.

- 3.6 In order to reduce the risk of serious public disorder and damage to property in the city centre, it is recommended the Secretary of State's consent is sought to the making of the order. This is considered to be a proportionate response to the risk of public order.

<b>OTHER OPTIONS CONSIDERED</b>
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4. Not to make the order.

<b>For more information contact:</b>	Michael Foote Tel 01332 255448 email michael.foote@derby.gov.uk
<b>Background papers:</b>	Letter from Deputy Chief Constable dated 10 March 2005
<b>List of appendices:</b>	Appendix 1 - Implications

<b>IMPLICATIONS</b>
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**Financial**

1. All costs will be kept within Corporate Services budgets.

**Legal**

- 2.1 Section 13 of the Public Order Act 1986 allows the Council, with the consent of the Secretary of State, to make an order to prohibit the holding of public processions.
- 2.2 The prohibition needs to be a proportionate response to the risk of public disorder.
- 2.3 The order will be made to exclude from the prohibition processions commonly or customarily held in the city and funeral processions organised by a funeral director in the normal course of business.

**Personnel**

3. None.

**Equalities impact**

4. None directly arising.

**Corporate objectives and priorities for change**

5. The proposal will support the objective to provide healthy, safe and independent communities.