

SOCPA Designation: Next Steps

29 September 2021

Reference: SPCB (2021) Paper 57

Executive summary

1. Based on recent Police Scotland security advice to SPCB, an order has been made to designate the Parliament as a protected site in the interests of national security under section 129 of the Serious Organised Crime and Police Act 2005 [SOCPA]. SOCPA provides us with additional protection because of the Scottish Parliament's importance in the context of national security.
2. Very disruptive or potentially dangerous escalations and activities which exceed the scope of lawful protest and reasonable access to Holyrood have occurred more frequently in recent years. In line with other parliaments in Great Britain, the SPCB agreed to seek designation of the Holyrood site to strengthen protection of the Parliament as a key civic institution, protect all those who work there and protect the rights of the public who seek to participate in its democratic function.
3. The SPCB recognises individuals' right to protest. As such, peaceful protest and demonstration are a significant aspect of participative democracy which has been facilitated and supported by the SPCB on its property since 1999 and will continue to be in the future.
4. Where national security concerns are affected by very disruptive protest, or other potentially dangerous activities, the decision as to whether protections under SOCPA are engaged is for the SPCB to determine in the first instance as the body responsible for regulating use of the campus. Police Scotland will not unilaterally invoke SOCPA without a request from the SPCB.
5. SPCB and Police Scotland are committed to agreeing a Security Protocol which reflects careful consideration of the circumstances in which SOCPA designation might be used and the steps to be taken to ensure that the powers conferred through designation are used lawfully and proportionately.
6. SPCB and Police Scotland have distinct responsibilities and will undertake their own assurance processes to ensure that their respective actions have a robust legal basis. In particular the SPCB will wish to ensure that actions go no further than necessary to protect the ability for the Parliament to fulfil its democratic role, minimise the impact on the democratic right of lawful protest and to engage (of current protestors and others), and ensure the health and safety of all visitors to the campus.

7. The Protest Policy sets out for the public how we facilitate safe protest; this has been updated to clarify the steps that may be taken where very disruptive activities are causing concern for the safety of individuals; functioning of the Parliament or seriously impacting the access and engagement activities of others.
8. SPCB is invited to discuss and agree the operational Security Protocol [Annex A] and the refreshed Protest Policy for the public [Annex B].

Issues and options

9. The SPCB recognises individuals' right to protest. Peaceful protest and demonstration are a fundamental aspect of participative democracy which has been facilitated and supported by the SPCB onsite at the Parliament since 1999. This will not change. For tens of thousands of protesters each year, we will continue to support this form of freedom of expression at Holyrood, alongside other means of engagement.
10. However, in recent years Holyrood has experienced disruptive or potentially dangerous escalations of protest and other activities impeding its ability to maintain the effective functioning of the Parliament, causing potentially unsafe situations for those working at and visiting Holyrood, or restricting others' rights of access and engagement.
11. On the basis of recent Police Scotland security advice to the SPCB, an order has been made to designate the Parliament as a protected site under the Serious Organised Crime and Police Act 2005 [SOCPA].
12. SOCPA provides additional protection to designated sites because of their importance in the context of national security. Reflecting the balance between securing these sites and protecting those who support them to function with the rights of assembly and protest, designation is restricted to a discrete number of sites approved by the Secretary of State. The Houses of Parliament estate and the Welsh Senedd are already designated for this purpose.
13. In giving effect to the designation, the SPCB and Police Scotland must still ensure on each occasion that they are used that the powers of enforcement under SOCPA are necessary, have a sound legal basis and are proportionate to the circumstances. This process provides assurance that the rare occasions on which there will be any interference with Convention rights, including rights of assembly and freedom of expression, are justified.
14. As part of designation, SPCB and Police Scotland therefore committed to agreeing a Security Protocol which reflects careful consideration of how the SOCPA designation would be used operationally.
15. The Parliament sets out clearly on its website how members of the public can engage safely and meaningfully with the Parliament through protest and demonstration. Many hundreds of thousands of people of all ages have done so over the last 22 years. This policy has been reviewed and updated so that it continues to welcome and facilitate protest and makes it clear for the public the

steps that may be taken under the SOCPA designation where the terms of the policy have been exceeded. The revised Protest Policy is attached at Annex B.

Governance

16. The Security Protocol establishes governance around use of the SOCPA designated status which onsite security and police teams will work to in their operational processes.
17. The Protest Policy has been revised. This document will be made publicly available on the Parliament website once approved and drawn to the attention of visitors and those seeking to protest.

Resource implications

18. There are no additional resourcing implications.

Publication Scheme

19. This paper and annexes B which sets out the updated Protest Policy, can be published. This supports peaceful protest and, in that context, makes clear for the public the specific circumstances under which SOCPA may be invoked.
20. Annex A reflects operational security arrangements between the SPCB and Police Scotland to safely and effectively manage the Holyrood campus in the event of serious disruption and, in the interests of national security, should not be published.

Next steps

21. To agree the Security Protocol setting out the arrangements between Police Scotland and SPCB under SOCPA.
22. To agree the revised Protest Policy for publication on the Parliament website.

Decision

23. SPCB is invited to:

- Discuss and agree the Security Protocol which sets out the operational arrangements between SPCB and Police Scotland to safely and effectively manage the Holyrood campus in the event of very serious disruption, or potentially dangerous escalations and activities, where they may require to use the SOCPA designation.
- Discuss and agree the revised Protest Policy for publication on the Parliament's website, setting out how protest can be facilitated safely at Holyrood respecting other rights of access and overall safety and clarifying the SOCPA responsibilities.

Lynsey Hamill
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September 2021

Annex B

Protests and Demonstrations at the Parliament: Protest Policy

The Scottish Parliament is an open, accessible and participative Parliament which recognises the importance of peaceful protest in a democratic society.

This Policy is written to help you organise or take part in a protest at the Scottish Parliament.

Working with us to facilitate your protest or demonstration

Please be assured we will work with you to facilitate your protest so that it runs smoothly.

We encourage you to contact the Security Office on 0131 348 6554 in advance of organising your protest, so we can discuss your plans and advise on any issues which may not be compatible with the terms for use of the Parliament's estate which includes the landscaped areas surrounding the Parliament.

The Scottish Parliamentary Corporate Body, which has responsibility for the safe and effective operation of Parliament, permits protest on the Parliament's estate, which includes its lands and buildings, subject to some requirements being met.

The aim of these requirements is to help facilitate an organised and effective protest whilst protecting the:

- safety of all, including visitors, neighbours of the Scottish Parliament and all who work here
- ability of the Parliament to carry out its essential democratic role;
- rights and interests of others to engage with Parliament;

Protests and demonstrations **can only take place outside the building.**

We ask you to respect the following requirements when using the Parliament's grounds to protest:

- At all times please take care of your safety and that of fellow protesters and other users of the Parliament building and land.
- The Parliament has an essential role in the functioning of the democratic process in Scotland. Your protest cannot interfere with or seek to disrupt the functioning of Parliament
- Your protest cannot continue for an unreasonable period of time as by doing so you could negatively impact the rights of others to protest and to use the parliamentary estate for other activities.
- To move the location of your protest to another part of the estate, if asked to do so by a Parliamentary official or member of the Parliament's Police Unit. This would be to avoid obstructing others' use of the estate or if it becomes evident you may be causing a safety risk to yourself or others.

- Please do not obstruct the entry or exit of any individuals to the Parliament building.

Restrictions

There are also restrictions to what you can do as part of your protest:

- Please do not climb on any part of the building
- Please do not access areas where you have no authority to be.
- Please do not camp at any time, including overnight, for protest or any other reason. This is also for your own safety and wellbeing.
- Please do not erect any structures on Parliament land without the Parliament's permission.
- Please do not attach banners, posters, flyers, leaflets or any other articles to any part of the Parliament land (including the exterior of the Parliament building, railings, flagpoles or bollards). We may remove any articles attached in this way.
- Please do not project images or shine laser lights onto the Parliament building as part of your protest without prior permission
- Please respect the environment which includes our ponds, gathering spaces and seating areas which are enjoyed by the public throughout the year. At the end of your protest, please remove anything you brought with you and leave the land as you found it.

SPCB's responsibilities and Parliament as a protected site

The SPCB has responsibility for the parliamentary complex including the landscaped grounds.

Its responsibilities include:

- providing access to the estate in a safe and secure manner;
- ensuring Parliament can continue to carry out its vital democratic role; and
- maintaining an open, accessible Parliament for all those who are engaging with us in different ways.

To assist the SPCB in fulfilling these responsibilities, and to ensure its resilience, the Scottish Parliamentary estate is designated by the UK Home Office as a "protected site" in the interest of national security, under section 129 of the Serious Organised Crime and Police Act 2005 (SOCPA). The same protections apply to the Welsh and UK Parliaments.

If your protest does not observe the Protest Policy

We recognise that protests and demonstrations are a human right and a vital part of the expression of democracy in Scotland.

If at any time your protest fails to observe the requirements set out in this Policy, it may mean that we may withdraw our permission for you to hold the protest or demonstration at the Scottish Parliament.

Before taking any action, we will engage with you fully to try to resolve matters. We will only exercise the option to take action, as a designated site under SOCPA, where the terms of this policy have been exceeded to the extent that our ability to fulfil our responsibilities are seriously disrupted; and as a result threatens parliamentary business; or the safety of those on site; or the legitimate right of others to engage and participate with Parliament.

In this event, we will notify you of this and may ultimately ask you to leave.

Please read the privacy [notice](#) for demonstrations and protests held at the Scottish Parliament.