

Supplementary Agenda

Licensing Committee

Date: Wednesday, 22 June 2016

Time: 12:30

Venue: Council Chamber, Clydebank Town Hall, Dumbarton Road,
Clydebank

Contact: Nuala Borthwick, Committee Officer
Tel: 01389 737594, nuala.borthwick@west-dunbarton.gov.uk

Dear Member

With reference to the agenda for the above special meeting of the Licensing Committee which was issued on 14 June 2016, I now attach for your attention copies of agenda items 5 and 6 which were not available for issue at that time.

Yours faithfully

JOYCE WHITE

Chief Executive

5 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V – 1 - 7
PUBLIC PROCESSIONS - POLICE, PUBLIC ORDER AND
CRIMINAL JUSTICE (SCOTLAND) ACT 2006 - NOTICE OF
PROPOSAL TO HOLD A PUBLIC PROCESSION: INDEPENDENT
REPUBLICAN BANDS SCOTLAND

6 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V – PUBLIC PROCESSIONS - POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 - NOTICE OF PROPOSAL TO HOLD A PUBLIC PROCESSION: INDEPENDENT REPUBLICAN BANDS SCOTLAND

Distribution:-

Councillor Lawrence O'Neill (Chair)
Councillor Jim Brown
Councillor Jim Finn
Provost Douglas McAllister (Vice Chair)
Councillor Jonathan McColl
Councillor John Mooney
Councillor Tommy Rainey
Councillor Hazel Sorrell

All other Councillors for information

Chief Executive
Strategic Director – Regeneration, Environment and Growth
Strategic Director – Transformation and Public Service Reform
Chief Officer of Health & Social Care Partnership

Date issued: 16 June 2016

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 22 June 2016

Subject: Civic Government (Scotland) Act 1982
Part V – Public Processions
Police, Public Order and Criminal Justice (Scotland) Act 2006
Notice of Proposal to hold a Public Procession:
Independent Republican Bands Scotland

1. Purpose

- 1.1** To consider a Notice of Proposal to hold a Public Procession submitted by Mr Brian Keenan on behalf of the Independent Republican Bands Scotland.

2. Recommendations

- 2.1** It is recommended that Members consider the request from Mr Keenan to allow the Independent Republican Bands Scotland to hold a Public Procession on their preferred route on Saturday 9 July 2016.

3. Background

- 3.1** The notice of proposal to hold a public procession and risk assessment was submitted by Mr Keenan on behalf of the Independent Republican Bands Scotland on 8 June 2016. The reason for the procession, as stated on the notice of proposal, is for an Equality /Anti-Irish Racism March. The notice of proposal was subsequently advertised on the Council's website.
- 3.2** Notification of the proposed procession was sent to all Councillors whose ward the procession passes through along with all Members of the Licensing Committee.
- 3.3** A precursory meeting was arranged for 21 June 2016 this being the only date that Mr. Keenan was available prior to the Committee. An update on the outcome of the precursory meeting will be provided to Members at the Committee.
- 3.4** The route, as stated in the notice of proposal, has requested that the procession commence at Morar Road, then south on Kilbowie Road, then west on Second Avenue, then south on Duntocher Road, then east on Dumbarton Road, then south on Agamemnon Street, then east on Cable Depot Road for dispersal.
- 3.5** At a meeting of the Licensing Committee held on 8 June 2016, a hearing took place to discuss a notification to hold a procession submitted by the Independent Republican Bands Scotland. Members agreed that the route requested by the Independent Republican Bands Scotland be refused as it was

contrary to condition 11 of the Council's code of conduct which states:-

'The organiser shall ensure that, wherever possible, proposed routes follow main roads and do not go through residential housing developments'.

Members agreed to allow the procession to take place using an alternative route commencing at Morar Road, Kilbowie Road, Dumbarton Road, Agamemnon Street, Cable Depot Road where the procession should disperse.

- 3.6** A notice of proposal was submitted by the same organisation in 2014 and 2015 for a similar route and after discussion with the Police at the first precursory meeting in 2014, the route was amended to Kilbowie Road, Dumbarton Road, Agamemnon Street with a dispersal point at Cable Depot Road. In 2015 the proposed route was put to the Licensing Committee and conditioned by the Committee to reflect that suggested by Police Scotland.
- 3.7** The notice of proposal from the Independent Republican Bands Scotland names the Coatbridge United Irishmen Flute Band as the only participating band in the procession.

4. Main Issues

- 4.1** On 9 June 2016 an email was received from Councillor Mooney objecting to the request on behalf of his constituents, from the Independent Republican Bands Scotland, to hold a procession on 9 July 2016. The grounds for objection are that as the procession route includes Second Avenue, this route is unsuitable due to it being a residential area. Further emails were received from Councillor McColl and Councillor Brown agreeing with the view of Councillor Mooney and adding their own objection. A phone call was also received from Councillor Finn supporting the objection submitted by Councillor Mooney.
- 4.2** Members may wish to consider whether they regard the route proposed by Independent Republican Bands Scotland as being contrary to the code of conduct.
- 4.3** The Procession Summary from Police Scotland detailing any observations they have will be circulated at the meeting.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications.

7. Risk Analysis

- 7.1** The Committee should consider whether the route applied for constitutes both a main road and/or an area of residential housing and if so, consider whether or not to depart from the code of conduct by allowing the procession to travel along Second Avenue and in so doing, consider the risk of disruption to the community.

8. Equalities, Health & Humans Rights Impact Assessment

- 8.1** No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** Details of the procession were posted on the Council's website on 9 June 2016.
- 9.2** Members of the Licensing Committee and Councillors for the ward area in which the proposed procession is due to pass through were contacted and advised of the details of the procession by email on 9 June 2016. Three objections were received from Councillor Mooney, Councillor McColl and Councillor Brown.
- 9.3** Police Scotland were sent a copy of the notice of proposal on 9 June 2016. No response has been received as yet at the time of writing this report. The response from Police Scotland is normally received following the precursory meeting.

10. Strategic Assessment

- 10.1** There are no strategic implications.

Strategic Lead - Regulatory

Date: 15 June 2016

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake road,
Dumbarton,
G82 3PU

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: WDC - Code of Conduct

Background Papers:

1. Notice of Proposal to hold a Public Procession submitted 8 June 2016.
2. Email to the Members of the Licensing Committee and Councillors dated 9 June 2016.
3. Letter to Mr. Keenan dated 15 June 2016.

Wards Affected: Clydebank Central and Clydebank Waterfront

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006

CODE OF CONDUCT - PUBLIC PROCESSION

(1)	A minimum of 28 days notice will be given to the Council of the intention to hold a procession. If possible, a greater period of notice should be given and notification should be made as early as possible in any instance in which a series of similar processions is proposed. Provision of a minimum of 28 days notice is a statutory requirement. Only in exceptional circumstances can a public procession take place without notification being given at least 28 days before the date of the proposed procession. In any instance in which a full 28 days notice is not given the onus is on the organiser to satisfy the Council that exceptional circumstances exist sufficient to justify the Council in making an Order waiving the legislative requirement for full 28 days prior notice.
(2)	The organiser shall co-operate with the Council and the police from the time of submission of the notification of intention to hold a procession until the procession disperses.
(3)	The organiser shall identify him or herself to the police officer in charge immediately on the assembly of the procession.
(4)	The organiser shall ensure that, in the event of the procession being cancelled, the Council and police are informed of this promptly and that the cancellation is confirmed in writing to the Council within 48 hours. No band other than the bands specified in the notification shall take part in the procession and in the event of any change in participants – including the withdrawal of any band specified in the notification – the organiser shall immediately advise the Council and the police.
(5)	The organiser shall ensure that all participants are informed of any condition imposed on the procession including any condition regarding change to timing or route.
(6)	The organiser shall ensure that any person under the influence of alcohol or drugs does not participate in the procession.
(7)	<p>The organiser shall ensure that the number of stewards or marshals present at the procession is in the ratio 1 steward/marshal per 10 participants and the organiser shall ensure that all stewards and marshals</p> <ul style="list-style-type: none"> · are briefed by the organisers and given guidance and instructions on their role prior to the procession including written directions/instructions in respect of legislation; · carry proof of their status; · co-operate with the police as required; · are highly visible and easily identifiable by means of high visibility wear which cannot be confused with police attire; · conduct themselves in a proper manner; · ensure that participants comply with directions regarding their own public safety and that of all other members of the public.
(8)	The organiser shall take responsibility for the behaviour of all participants and, where appropriate, bands and for ensuring general compliance with the Council's Code of Conduct on Public Processions and police instructions;
(9)	The organiser shall ensure that the behaviour of participants is not such as can be reasonably perceived

	to be aggressive, threatening, abusive, homophobic, sectarian or racist. The organiser shall exercise reasonable diligence to ensure that any follower of the procession also refrains from such behaviour, for example by bringing such matters to the attention of the Police as soon as possible;
(10)	The organiser shall ensure that, in the event that persons attached to or following the procession engage in behaviour which is aggressive, threatening, abusive, homophobic, sectarian or racist, and the police are of the view that the playing of music is exacerbating the situation, the organiser/band major should immediately instruct a band to cease playing when asked to do so by Police Scotland;
(11)	The organiser shall ensure that, wherever possible, proposed routes follow main roads and do not go through residential housing developments;
(12)	The organiser shall ensure that all participants do not march more than four abreast and that they keep to the near or left hand side of the street except on one way streets where they shall keep to the right hand side;
(13)	The organiser shall ensure that the police are assisted in guaranteeing that passage is allowed for traffic and pedestrians;
(14)	The organiser shall ensure that the procession is split into sections in order to avoid serious dislocation of traffic and to facilitate the crossing of pedestrians who have a right of free access and passage to and through any public area;
(15)	The organiser shall ensure that all playing of music ceases when approaching and passing places of worship as instructed by the police and, without prejudice to the foregoing generality, whenever services are in progress;
(16)	The organiser shall ensure that all participants disperse immediately the procession concludes.
(17)	The organiser shall ensure that all participants behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in any area in which there has, on any previous occasion, been public disorder in relation to processions;
(18)	The organiser shall ensure that all participants behave with due respect at sensitive areas such as areas adjacent to places of worship;
(19)	All participants must obey the lawful direction of procession organisers, stewards and the police at all times;
(20)	All participants must keep to the designated route as directed by the police;
(21)	All participants must refrain from consuming alcohol or drugs prior to or during the procession;
(22)	No flags relating to proscribed organisations or which are likely to cause offence shall be displayed;
(23)	All participants in processions shall disperse in good order immediately the procession concludes;
(24)	No halberds or weapons of any description shall be carried;
(25)	No obstruction shall be caused;
(26)	No procession shall commence before the hour of 7.30 am and no procession shall conclude after the hour of 9.00 pm;
(27)	Unless specifically stipulated in the notification, no band shall play or music shall be played before 9.00 am or after 9.00 pm.
(28)	The procession and all participants shall comply with all legal requirements including, without prejudice to the foregoing generality <ul style="list-style-type: none"> · Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers;

	· The Public Order Act 1986 in relation to the prohibition of wearing of uniforms signifying association with any political organisations etc;
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A copy of this Code of Conduct is provided to organisers alongside the notification form.

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 22 June 2016

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3. Background

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- 3.2** Notification of the proposed procession was sent to all Councillors whose ward the procession passes through along with all Members of the Licensing Committee.
- 3.3** A precursory meeting was arranged for 21 June 2016 this being the only date that Mr. Keenan was available prior to the Committee. An update on the outcome of the precursory meeting will be provided to Members at the Committee.
- 3.4** The route, as stated in the notice of proposal, has requested that the procession commence at Westcliff, moving onto Cardross Road, continuing on Glasgow Road then turning right into West Bridgend then left into Bridge Street, right into High Street, left into Church Street, right onto the A814 then right into Buchanan Street for dispersal.
- 3.5** The notice of proposal from the Independent Republican Bands Scotland names the Coatbridge United Irishmen Flute Band as the only participating band in the procession.

4. Main Issues

- 4.1** The Procession Summary from Police Scotland detailing any observations they have will be circulated at the meeting.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications.

7. Risk Analysis

- 7.1** There is no increased risk to the Council associated with the contents of this report.

8. Equalities, Health & Humans Rights Impact Assessment

- 8.1** No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** Details of the procession were posted on the Council's website on 9 June 2016.
- 9.2** Members of the Licensing Committee and Councillors for the ward area in which the proposed procession is due to pass through were contacted and advised of the details of the procession by email on 9 June 2016.
- 9.3** Police Scotland were sent a copy of the notice of proposal on 9 June 2016. No response has been received as yet at the time of writing this report. The response from Police Scotland is normally received following the precursory meeting.

10. Strategic Assessment

- 10.1** There are no strategic implications.

Strategic Lead - Regulatory

Date: 15 June 2016

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Senior Officer (Licensing Services),
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Wards Affected: Dumbarton

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(5)	The organiser shall ensure that all participants are informed of any condition imposed on the procession including any condition regarding change to timing or route.
(6)	The organiser shall ensure that any person under the influence of alcohol or drugs does not participate in the procession.
(7)	<p>The organiser shall ensure that the number of stewards or marshals present at the procession is in the ratio 1 steward/marshal per 10 participants and the organiser shall ensure that all stewards and marshals</p> <ul style="list-style-type: none"> · are briefed by the organisers and given guidance and instructions on their role prior to the procession including written directions/instructions in respect of legislation; · carry proof of their status; · co-operate with the police as required; · are highly visible and easily identifiable by means of high visibility wear which cannot be confused with police attire; · conduct themselves in a proper manner; · ensure that participants comply with directions regarding their own public safety and that of all other members of the public.
(8)	The organiser shall take responsibility for the behaviour of all participants and, where appropriate, bands and for ensuring general compliance with the Council's Code of Conduct on Public Processions and police instructions;
(9)	The organiser shall ensure that the behaviour of participants is not such as can be reasonably perceived

	to be aggressive, threatening, abusive, homophobic, sectarian or racist. The organiser shall exercise reasonable diligence to ensure that any follower of the procession also refrains from such behaviour, for example by bringing such matters to the attention of the Police as soon as possible;
(10)	The organiser shall ensure that, in the event that persons attached to or following the procession engage in behaviour which is aggressive, threatening, abusive, homophobic, sectarian or racist, and the police are of the view that the playing of music is exacerbating the situation, the organiser/band major should immediately instruct a band to cease playing when asked to do so by Police Scotland;
(11)	The organiser shall ensure that, wherever possible, proposed routes follow main roads and do not go through residential housing developments;
(12)	The organiser shall ensure that all participants do not march more than four abreast and that they keep to the near or left hand side of the street except on one way streets where they shall keep to the right hand side;
(13)	The organiser shall ensure that the police are assisted in guaranteeing that passage is allowed for traffic and pedestrians;
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(23)	All participants in processions shall disperse in good order immediately the procession concludes;
(24)	No halberds or weapons of any description shall be carried;
(25)	No obstruction shall be caused;
(26)	No procession shall commence before the hour of 7.30 am and no procession shall conclude after the hour of 9.00 pm;
(27)	Unless specifically stipulated in the notification, no band shall play or music shall be played before 9.00 am or after 9.00 pm.
(28)	The procession and all participants shall comply with all legal requirements including, without prejudice to the foregoing generality <ul style="list-style-type: none"> · Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers;

	· The Public Order Act 1986 in relation to the prohibition of wearing of uniforms signifying association with any political organisations etc;
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A copy of this Code of Conduct is provided to organisers alongside the notification form.