

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 15 August 2012 at 4.00 p.m.

Present: Provost Douglas McAllister and Councillors Jim Finn, Jonathan McColl, Patrick McGlinchey, Lawrence O'Neill and Tommy Rainey.

Attending: Nigel Ettles, Principal Solicitor; David McCulloch, Section Head (Trading Standards & Licensing); Robert Mackie, Senior Officer (Licensing Services) and Nuala Borthwick, Committee Officer, Legal, Democratic and Regulatory Services.

Apology: An apology for absence was intimated on behalf of Councillor Jim Brown.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in relation to the undernoted item of business on the agenda.

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: IRISH COLLECTIVE

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning a Notice of Proposal to hold a public procession in Dumbarton on Saturday, 25 August 2012 received from the Irish Collective.

It was noted that Chief Inspector Brian Auld and Inspector Ian Wallace were in attendance on behalf of the Chief Constable, Strathclyde Police and that the Irish Collective were represented by Mr Liam Hughes, event organiser and Mr James Carlin, the nominated spokesperson for the Irish Collective.

The Chair, Councillor O'Neill, advised parties as to the Committee's procedure for dealing with the notification.

The Committee then heard from the Principal Solicitor in the terms of the report by the Council's Head of Legal, Democratic and Regulatory Services. In doing so, he referred to paragraph 2.3 of the report, advising that Members were recommended not to prohibit the procession but to permit it subject to the organiser's compliance with the council's code of conduct for public processions plus the specific condition that the bands stop playing music as they pass through the road junction A814/Delta Lane, only starting to play music again as the band reaches the entrance to Dumbarton Sheriff Court on Church Street.

The Committee was advised that the outcome of a precursory meeting attended by Officers of the Council, Inspector Wallace of Strathclyde Police and the organisers of the procession had resulted in the organisers agreeing to substantially reduce the length of the procession having accepted recommendations proposed by Strathclyde Police.

The Principal Solicitor then addressed the Committee in terms of the objections received advising that the two objections received, summarised at paragraph 4.9 of the report, opposed the supposed views held by the Irish Collective however did not contain relevant grounds for prohibiting the march. It was noted that were the committee to prohibit the march on the grounds of the organisation's views, an appeal in the Sheriff Court would be successful.

It was also noted that since publication of the report, an objection had been received from Dumbarton East and Central Community Council and that it was for Members to decide whether the objection should be taken into consideration.

The Committee then agreed that the objection from Dumbarton East and Central Community Council would be taken into consideration. Copies of that letter of objection, together with the copies of emailed objections summarised in the report, were accordingly circulated to Members.

In response to a question from Provost McAllister, the Principal Solicitor advised that the objection from the Community Council related to the supposed views of the organisation wishing to march and did not contain relevant grounds for prohibiting the march.

Having heard the Chair, it was noted that there were no objectors present at the meeting.

Thereafter, the Committee heard from Inspector Wallace representing the Chief Constable of Strathclyde Police. Inspector Wallace advised that in his view, the public procession created a high risk of disruption to the community but a low risk to public order. Furthermore, he referred to recent marches held by the Irish Collective in Lanarkshire which had passed without incident and commended the applicant for agreeing to a shorter route for the procession through Dumbarton at the request of Strathclyde Police. It was noted that there were no questions for Strathclyde Police.

At the request of the Chair, the Committee then heard from Mr Carlin, the nominated spokesperson for Irish Collective. Mr Carlin advised that the organisation was not linked to any proscribed organisation and was not sectarian. He stated that the Irish Collective did not wish to cause any disruption to the community of Dumbarton. He also referred to the recent marches in Lanarkshire passing without incident and offered a willingness to co-operate with Strathclyde Police advising that the organisation would be quite prepared to re-route should there be any flash points or counter demonstrations on the day of the event.

Thereafter, the Committee agreed to permit the procession subject to the organiser's compliance with the Council's code of conduct for public processions plus the undernoted specific condition:-

The bands must stop playing music as they pass through the road junction A814/Delta Lane (landmark – traffic lights at McDonald's), only starting to play music again as the band reaches the entrance to Dumbarton Sheriff Court on Church Street.

The meeting closed at 4.17 p.m.