

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 31 August 2016 at 1.00 p.m.

Present: Provost Douglas McAllister and Councillors Jim Brown, Jim Finn, Jonathan McColl, John Mooney, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

Attending: Nigel Ettles, Principal Solicitor; Robert Mackie, Senior Officer (Licensing Services); Peter Clyde, Licensing Standards Officers and Nuala Borthwick, Committee Officer - Regulatory Services.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in the 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: INDEPENDENT REPUBLICAN BANDS SCOTLAND - CLYDEBANK

A report was submitted by the Strategic Lead – Regulatory concerning a Notice of Proposal to hold a Public Procession in Clydebank on Saturday, 10 September 2016 as requested by Mr Brian Keenan on behalf of the Independent Republican Bands Scotland (IRBS).

Having heard the Principal Solicitor, it was noted:-

- (a) that a Notice of Proposal and risk assessment had been submitted by Mr Brian Keenan on behalf of IRBS on 10 August 2016;
- (b) that the reason for the procession, as stated in the notice of proposal, was a Human Rights march;
- (c) that Inspector John Mullen and Constable Scott Millar were in attendance on behalf of the Chief Constable, Police Scotland and that the applicant, IRBS, was represented by Mr Brian Keenan, Organiser;

- (d) that a precursory meeting had been held on 19 August 2016 and had been attended by Mr Robert Mackie, Senior Officer (Licensing Services), West Dunbartonshire Council, Sergeant Fulton, Police Scotland and that the applicant, IRBS, was represented by Mr James John Docherty, Member of IRBS and Matt Smith, Chief Steward, IRBS;
- (e) that the route, as per previous applications by IRBS for the Clydebank area, requested that the procession commence at Morar Road, then south on Kilbowie Road, then west on Second Avenue with its continuation on Park Road, then south on Duntocher Road, then east on Dumbarton Road, then south on Agamemnon Street, then east on Cable Depot Road for dispersal;
- (f) that a copy of the Procession Summary by Police Scotland had been distributed to Members of the Committee in advance of the meeting;
- (g) that an objection to the application, submitted by Mr Kris McGurk, Chairman, Regimental Blues, had been distributed to members in advance of the meeting and that Mr McGurk was in attendance at the meeting on behalf of Regimental Blues; and
- (h) that, as per previous applications submitted by IRBS concerning the same route, members may again wish to consider whether they regard the route proposed by IRBS, principally the section of the route on Second Avenue, as being a main road in terms of the Code of Conduct and whether they consider Second Avenue to be classed as a residential housing development.

The Committee then heard from Mr Mackie in relation to the precursory meeting held on 19 August 2016. It was noted that the date of the procession coincided with a Celtic v Rangers match however it was confirmed that the date had been scheduled in January 2016 which was well in advance of the scheduling of football fixtures. It was further noted that discussions took place regarding the proposed route with IRBS referring to a previous procession in 2014 where another organisation had marched down Second Avenue. It was explained to the IRBS representatives at the precursory meeting that the procession in 2014 had been a Clydebank Blitz Memorial procession and in order to facilitate the laying of the wreath at the Memorial in Graham Avenue, the procession was allowed to march on Second Avenue between First Terrace and Singer Street only. It was explained that this route was a much reduced route to that applied for by the organisation in order to facilitate the wreath laying and to minimise disruption to the local community. At the precursory meeting on 19 August, the IRBS representatives position remained that because another organisation had previously marched on Second Avenue, they too should be given permission and any refusal was due to discrimination. The IRBS were advised of Police Scotland's preferred route that being Kilbowie Road, Dumbarton Road, Agamemnon Street, Cable Depot Road however they refused to accept this route and asked that the matter be referred to the Licensing Committee.

Thereafter, the Committee heard from Mr McGurk in relation to the objection submitted by the Regimental Blues. Thereafter, Mr McGurk was heard in answer to Members' questions.

The Committee then heard from Inspector Mullen on behalf of Police Scotland who advised that Police Scotland's position in relation to the proposed route remained unchanged from that of previous applications given that the route proposed by IRBS was contrary to Condition 11 of the Council's Code of Conduct given that it would pass through a residential housing development and therefore there was a high risk of disruption to the community. It was noted that the route preferred by Police Scotland was a well-established route for marches and one that Police Scotland were able to resource. It was also noted that notwithstanding a major football match in Dumbarton and the deployment of Police resource to the Celtic v Rangers game in Glasgow on 10 September, Police Scotland would be able to provide resources for that route.

Thereafter, the Committee heard from Mr Keenan, nominated spokesperson for the IRBS, who addressed the Committee in support of the application. Mr Keenan referred to the outcome of a criminal case which had been quoted in previous letters from Police Scotland relating to applications submitted by IRBS and advised that a person making a speech at a previous march by IRBS in April 2015, had recently been found 'not guilty' in relation to a charge of breach of the peace. In response Inspector Mullen advised the Committee that the person had been tried on a different crime to the one originally charged with at the march and that Police Scotland were unable to provide any further information relating to the case.

It was noted that Mr Keenan was given two attempts to amend the applicant's proposed route to that suggested by Police Scotland but again chose not to amend the application.

Having heard Inspector Mullen, it was noted that at the precursory meeting, representatives of IRBS would not consider an alternative route that did not involve marching on Second Avenue.

DECIDED:-

Following discussion, and having heard Mr Keenan in answer to questions from Members, the Committee agreed to make an Order under Section 63(1)(i) of the Civic Government (Scotland) Act 1982 prohibiting the holding of the proposed procession. The reasons for the Order were, firstly, a significant section of the proposed route would be through predominantly residential areas and therefore would be in contravention of the Council's Code of Conduct. As the proposed route would go through residential developments, it would result in a high risk of disruption to the life of the community. Secondly, the proposed date and time of the procession would, because of the scheduled football matches, result in a greater likelihood of disruption to the life of the community.

The meeting closed at 1.35 p.m.