

WEST DUNBARTONSHIRE COUNCIL

Report by the Head of Legal, Democratic and Regulatory Services

Special Meeting of the Licensing Committee – 3 July 2014

**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:
Dumbarton Orange & Purple District No. 27**

1. Purpose

- 1.1** The purpose of this report is to assist the Committee in considering whether to depart from the code of conduct, which restricts the playing of music until 9.00 am, to allow the playing of music at 8.00 am as requested by the Dumbarton Orange & Purple District No. 27 within their notice of proposal to hold a Public Procession submitted on 26 May 2014 and subsequent email received on 28 May 2014.

2. Recommendations

- 2.1** It is recommended that Members consider the request from Mr. William Giffen to allow the accompanying band, The Pride of the Rock Flute Band, to play music at 8.00 am as the Dumbarton Orange & Purple District No 27 procession passes through Alexandria on the morning of Saturday 5 July 2014. It is anticipated that the procession should last no longer than 20 minutes.

3. Background

- 3.1** The notice of proposal to hold a public procession and risk assessment was submitted by Mr. William Giffen on behalf of the Dumbarton Orange & Purple District No. 27 on 26 May 2014. The reason for the procession, stated on the notice of proposal, is for the Annual Boyne Demonstration. The notice of proposal was subsequently advertised on the Council's website.
- 3.2** The outward procession on 5 July 2014 at 8.00 am in Alexandria will assemble at Park Street before turning right onto Main Street. The procession will then disperse at St. Mungo's Church.
- 3.3** The inward procession on 5 July 2014 at 5.00 pm in Dumbarton will assemble at Castle Road, turning right into Castlegreen Street, left onto Glasgow Road turning left into Church Street then right onto High Street. The procession then turns left on Bridge Street through Westbridgend then right onto the A814. The procession will then turn left at the roundabout onto Townend Road passing under the railway bridge then left into Bankend Road where the parade will disperse.

- 3.4** On 27 May 2014 letters were sent to Dumbarton East & Central Community Council and to elected members from both Leven and Dumbarton Wards advising them of the Notice of proposal.
- 3.5** An email was received on 28 May from Mr. William Giffen, the organiser of the proposed procession, requesting that special dispensation be given to allow music to be played during their morning procession in Vale of Leven which was due to commence at 8.00 am. In recent years the Police have imposed a no play zone as the annual procession passes below Dumbarton Central bridge. Mr. Giffen requested that Police Scotland consider reviewing their position in this regard and allow music to be played at this point on the route.
- 3.6** A precursory meeting was arranged for 10 June 2014 at 10.00 am which was attended by Lawrence Knighton (Licensing Standards Officer), Marie McCran (Licensing Assistant), Sergeant Graeme Spence from Police Scotland, William Giffen (Organiser) and Iain Turner (District Master). Sergeant Spence agreed to lift the no play zone while the procession passes below Dumbarton Central Bridge. Mr. Giffen and Mr. Turner were advised by Lawrence Knighton that any decision to deviate from the code of conduct allowing the playing of music prior to 9.00 am would have to be taken by the Licensing Committee. Robert Mackie, Senior Officer (Licensing Services) spoke to Mr. Giffen and Mr. Turner after the precursory meeting and advised them that the issue would be raised with the Principal Solicitor. The organisers were also advised by Mr. Mackie that to ensure future requests which sought to depart from the Council's code of conduct be considered at Committee, the notice of proposal should be submitted well in advance of the proposed date of the procession.
- 3.7** Representations were subsequently made to Peter Hessett (Head of Legal, Democratic and Regulatory Services) by Mr. Iain Turner as to the procedure which had been followed in dealing with the notice of proposal. He advised Mr. Turner that if they are planning future marches where they wish a departure from the code of conduct to be considered, they should look for the dates of scheduled licensing committee's and count back at least 5 weeks to allow time for their application to have been advertised, and any representations to have been considered. This would give Officers time to have published the notification, allowed 14 days for objections and if necessary, prepare a report to be drafted in time for the next scheduled Licensing Committee.
- 3.8** The organiser raised the issue of why their notice of proposal could not have been considered at the Licensing Committee on 11 June 2014 given that they had submitted the notice of proposal on 26 May 2014. The Review of Marches and Parades in Scotland guidance for Scottish Local Authorities states that local authorities should allow up to two weeks for views to be submitted following the publication of the proposed procession and consultation has taken place with those organisations on their opt-in list.
- 3.9** The notice of proposal was added to the list of processions on the Council's website on 26 May 2014 and a letter was sent to Dumbarton East & Central Community Council on 28 May 2014 inviting comments. The last date when submissions could be received therefore was 9 June 2014, 2 days prior to the

Licensing Committee on 11 June 2014. This would not have allowed enough time for a report to be prepared and the required statutory notification of committee business to be given.

- 3.10 On 19 June 2014, Police Scotland submitted their response to the notice of proposal confirming that the previous restriction on the playing of music under Dumbarton Central bridge had been lifted. They also rated the procession as being low risk.
- 3.11 Following receipt of the response from the Police, a letter was sent to Mr. Giffen on 20 June 2014 confirming that the procession could go ahead as requested however, no music would be allowed during the outward procession at 8.00 am.
- 3.12 On 22 June 2014 the Chair of the Licensing Committee asked Officers to arrange a Special Meeting of the Licensing Committee to consider the request from the Dumbarton Orange & Purple District No. 27 to play music during the procession in Alexandria at 8.00 am. The request was received on 23 June and the Special Meeting arranged.

4. Main Issues

- 4.1 The Council's code of conduct states:-

'Unless specifically stipulated in the notification, no band shall play or music shall be played before 9.00 am and after 9.00 pm.'

- 4.2 The purpose of the restriction on times when music should not be played is to minimise disruption to local communities.
- 4.3 Police Scotland submitted a Procession Summary on 19 June 2014 detailing Police observations on the proposed procession. The procession is considered to be low risk. In terms of the request to play music at 8.00 am the Police have only made the observation that the time falls outwith the Council's code of conduct.
- 4.4 No adverse comments were received from Dumbarton East & Central Community Council or from any elected member from either the Leven or Dumbarton Wards.

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, in considering whether or not to depart from the code of

conduct by allowing music to be played at 8.00 am should 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 26 May 2014. No objections were received.

9.2 Dumbarton East & Central Community Council were invited to comment on the Notice of proposal by letter dated 28 May 2014. No comments were forthcoming.

9.3 Elected Members representing the wards of both Leven and Dumbarton were advised of the details of the procession by letter on 27 May 2014. No adverse comments were forthcoming.

9.4 Police Scotland were sent a copy of the Notice of proposal on 26 May 2014. A response was received on 19 June 2014 rating the procession as low risk with no concerns.

10. Strategic Assessment

10.1 There are no strategic implications.

Head of Legal, Democratic and Regulatory Services

Date: 26 June 2014

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Appendices: None

Background Papers:

1. Notice of Proposal to hold a Public Procession - submitted 26 May 2014
2. Letters to Dumbarton and Leven Ward Members dated 27 May 2014.
3. Letter to Dumbarton East & Central Community Council dated 28 May 2014.
4. Email from Mr. William Giffen received 28 May 2014.
5. Letter to Mr. William Giffen dated 27 June 2014.
6. Letter to Chief Superintendent dated 27 June 2014.

Wards Affected: Dumbarton and Leven Wards