

FALKIRK COUNCIL

Subject: Policy Development Panel update – Civic Licensing
Meeting: Executive
Date: 16 August 2016
Author: Director of Corporate and Housing Services

1. Purpose

- 1.1 The purpose of this report is to present, for consideration, recommendations from the policy development panel (PDP) set up to review particular aspects of civic licensing. In particular, this report addresses (a) those areas of civic licensing activity that are within the discretion of the Council and (b) the development of a public processions policy.

2. Recommendations

The Executive is asked to:

- (1) consider the proposed revisions to the civic licensing resolution as recommended by the policy development panel and, if minded to endorse them, authorise officers to advertise the amended resolution in the local press in accordance with the Civic Government (Scotland) Act 1982; and**
(2) note progress with the draft public processions policy.

3. Background

- 3.1 The PDP was established by the Executive to review certain aspects of civic licensing, namely: taxi licence duration, the late hours catering terminal hour, the resolution under section 9 of the Civic Government (Scotland) Act 1982 (“the Act”) and public processions.
- 3.2 The panel completed the first tranche of its review and reported its recommendations in relation to taxi licence duration and the late hours catering policy to the Executive on 29 September 2015. Those recommendations were accepted and have been implemented.
- 3.3 The panel met thereafter to deal with the remaining part of its work, namely the section 9 resolution and the development of a public processions policy. Copies of the reports considered by the PDP are attached as appendices 1 and 2.

Resolution

- 3.4 Licences issued under the Act fall into two categories: mandatory and optional. The distinction refers to whether or not the licensing authority has any discretion over regulating and licensing a particular activity. In relation to certain activities, the licensing authority has no choice (i.e. in the regulation of metal dealers, indoor sports entertainment centres, houses in multiple occupation, skin piercing and tattooing and knife dealers) while the requirement to adopt a licensing regime for all other activities referred to in the Act is 'optional', i.e. the licensing authority may opt to implement licensing of these activities or not, following a resolution by them to do so.
- 3.5 With regard to determining whether to include any of the 'optional' activities in a formal licensing regime, the Scottish Development Department Circular 6/1983 remains relevant. It sets out that "licensing for optional activities should be introduced only where it is shown to be necessary to prevent crime, to preserve public order and safety, or to protect the environment."
- 3.6 The first section 9 resolution was adopted by the Council in 1983 and has been reviewed on a few occasions since then, most recently with regard to exempting community events such as gala days from the need to be licensed.
- 3.7 The PDP looked again at the terms of the extant resolution to establish if it remained relevant and fit for purpose and has recommended certain amendments.

Public Processions

- 3.8 With regard public processions, while a draft policy was drawn up, the recent clarification from Police Scotland on their approach to traffic management for such events in conjunction with the decision of the Executive in May 2016 to review the policy for Temporary Traffic Regulation Orders (TTROs), has impacted on the timescale for its completion.

4. Considerations

- 4.1 The PDP considered an initial report (attached as appendix 1) setting out the current s.9 resolution and an assessment by officers of the continuing relevance and requirement for each optional activity to be licensed. The report also suggested certain areas that could be refined.
- 4.2 With the exception of boat hire licences (which are subject to a separate licensing regime run by Scottish Canals), the PDP considered that the activities set out in the resolution should remain subject to a formal licensing regime.
- 4.3 The PDP also noted a change in the legislative terminology for late hours catering. Whereas previously this referred to the sale to or consumption by the public of 'meals and refreshments', it now covered the broader sale and

consumption of 'food'. Adopting that terminology in the resolution would not only be consistent with the Act but would have the effect of clarifying the current uncertainty over whether certain premises need a late hours catering licence or not, e.g. 24 hour supermarkets and garages.

- 4.4 The PDP considered a follow up report on 4 March 2016 (attached as appendix 2) which set out suggested changes to some of the wording in the resolution. This included an updated list of goods for which a second hand dealers licence would be required, reflecting items for which there is now an active market e.g. sports equipment, home entertainment systems, personal computers, laptops and tablets, DVD and blu-ray discs, CDs and vinyl records, DIY equipment, audio equipment, prams, buggies, baby equipment and scooters.
- 4.5 Having also looked at the public entertainment licenses in force in 2015, including temporary licences, the PDP concluded that it was no longer necessary to include community centres and halls within the category of premises to be licensed except where events are being held in which the number of people admitted to the event or taking part in it exceeds 150. The panel agreed that there was still a requirement for events of this nature to be licensed in terms of public safety.
- 4.6 Details of the classes and places of public entertainment which it is suggested should be included in the licencing framework are contained in a revised resolution which is attached as appendix 3.

Public processions

- 4.7 As noted in paragraph 3.7, the PDP considered a public processions policy as set out in the reports attached as appendices 4 and 5 following which officers were asked to consult with relevant stakeholders on the draft policy. At or around the same time, Police Scotland intimated a change to what they saw as their role with regard to traffic management for marches as has been referred to in previous reports to the Executive. This led to the decision taken on 17 May 2016 to carry out a review of TTROs in connection with all community events which involve use of the roads system. Given the potential impact of this review on the public processions policy, consultation on it has been held in abeyance in the meantime and will be revisited once the TTRO review has concluded.

5. Consultation

- 5.1 If the Executive is minded to adopt the suggested changes to the resolution, it will be subject to a formal consultation process under the Act. This requires the resolution as varied to be advertised in the local press. Twenty eight days are then allowed for representations to be made. If any are so made, they must be considered by the Council and modifications to the resolution may follow. If and when the formal resolution is then made, a further notice requires to be published in the local press stating the date on which it will

come into effect, with that being at least nine months from the date of the resolution itself.

6. Implications

Financial

- 6.1 There are no financial implications arising from the panel's recommendations.

Resources

- 6.2 No material resource implications arise from this report. Any additional workload will be managed within existing staff resources.

Legal

- 6.3 The requirements to comply with the provisions of the Civic Government (Scotland) Act 1982 are set out within this report.

Risk

- 6.4 No specific risks arise from the panel's recommendations.

Equalities

- 6.5 No adverse equalities impact has been identified with regard to the proposed resolution.

Sustainability/Environmental Impact

- 6.6 A sustainability impact assessment was not required.

7. Conclusions

- 7.1 Following due consideration, the PDP has recommended changes to the civic licensing resolution as set out in this report. The panel has also considered introduction of a public processions policy and this will be revisited upon conclusion, and to take account of, the TTRO review.

Director of Corporate and Housing Services

Contact Officer: Alison Barr 01324 501265, Alisone.Barr@falkirk.gov.uk

Date: 8 August 2016

APPENDICES

1. Review of Civic Government (Scotland) Act 1982: Section 9 Resolution - report to policy development panel on 1 December 2015
2. Review of Civic Government (Scotland) Act 1982: Section 9 Resolution - report to policy development panel on 4 March 2016.
3. Copy of revised Section 9 Resolution
4. Public Procession Policy - report to policy development panel on 1 December 2015
5. Public Procession Policy - report to policy development panel on 4 March 2016
6. Note of meeting held on 1 December 2015
7. Note of meeting held on 4 March 2016

The following background papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

None

FALKIRK COUNCIL

Subject: REVIEW OF CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 9 RESOLUTION
Meeting: POLICY DEVELOPMENT PANEL
Date: 1 DECEMBER 2015
Author: DIRECTOR OF CORPORATE AND HOUSING SERVICES

1. INTRODUCTION

- 1.1 At the meeting of the Executive on 30 September 2014, Members agreed to establish a policy development panel to review certain civic licensing activities. The panel reported its initial findings and recommendations in respect of the duration of taxi and private hire car licences and the terminal hour for late hours catering establishments to the Executive at its meeting on 29 September 2015. The Executive noted that the panel would conclude its review by formulating a policy on public processions and reviewing the Council's Resolution. This report considers the current Resolution and suggests areas of refinement.

2. BACKGROUND

- 2.1 Members will be aware of the distinction between mandatory and non-mandatory (optional) licensing activities. The Council has exercised its discretion and resolved in 1983 to licence a number of optional activities. In doing so, the Council would have had regard to the Scottish Development Department Circular 6/83; which stated that the licensing of optional activities should only be introduced where it is shown to be necessary to prevent crime, preserve public order and safety, or to protect the environment. The following optional activities were licensed:-

- Taxis/ private hire cars
- Second hand dealers
- Street trading
- Market Operators
- Public Entertainment
- Late hours catering
- Window Cleaners

- 2.2 There has been periodic review of the Resolution since its introduction 1983. In 2007, the Resolution was revised and an additional licensing activity of boat hire was introduced. The report considered by the Policy and Resources Committee stated that this was recommended in light of the planned development of the canal network and the iconic Falkirk Wheel. In 2009, the Public Entertainment activities were expanded to include premises used for paintball games, laser display games and airsoft games.
- 2.3 More recently in 2012, the Resolution was revisited in relation to Public Entertainment licensing. This was brought about by a change to the law by the Criminal Justice and Licensing (Scotland) Act 2010. Previously, the types of public entertainment events which local authorities chose to licence, was left up to them, and were events for which a payment was made i.e. an admission fee. Free events were excluded from the requirement to be licensed. The recent amendment to the legislation changed the definition of a place of public entertainment by removing the requirement for the payment of money (or money's worth) for admission. This meant that Local Authorities would now require a licence for free events which previously were exempt. This was seen to cause a problem in the Falkirk Council area as local gala days and other community run events where no entry fee was charged would now fall to be licensed. The Council therefore resolved to reduce the scope of the Public Entertainment category to exempt free community related events such as gala days etc.
- 2.4 As part of the review of the Resolution, the Panel will wish to have regard to each licensable activity and whether it remains in the public interest for it to be licensed. It may be the case that an activity is regulated to a great extent by other agencies and the licensing regime is not adding any value to the activity. Officers have set out each activity in next section of the report and offered comment on the suitability of continued licensing or otherwise.

3. CURRENTLY RESOLVED LICENSABLE ACTIVITIES

- 3.1 The Council has also resolved to licence **taxis and private hire cars and their drivers including special event vehicles**. There are 441 taxi operators, 94 private hire operators, 554 taxi drivers and 131 private hire drivers currently licensed. There are no special events vehicles licensed presently however there are a small number of companies operating such vehicles in this area. Limitations on the ability of the testing station to test long wheel based vehicles has presented a challenge, however, it is proposed that an alternative solution will be sought. It is not proposed that these activities be removed from the licensing regime. It is clearly in the interest for these to remain subject to a licensing requirement given the public safety element.
- 3.2 The Council has resolved to licence **second hand dealers** and there are 73 currently licensed. The categories of second hand goods to which the licence relates are:
- (a) Household effects and electrical and gas goods;
 - (b) Personal effects including clothing, watches, jewellery, photographic equipment and mobile telephone equipment;
 - (c) Bicycles;
 - (d) Motor Vehicles, motor cycles and caravans including spare parts, accessories and tyres;

- (e) Manufactured goods;
- (f) Antiques, paintings, historical prints and maps;
- (g) Stamps and coins;
- (h) Antique and modern furniture and soft furnishings;
- (i) Sport and recreational effects including personal computer peripherals and discs
- (j) Musical Instruments

- 3.3 It is suggested that there is still a need for this activity to be licensed as one of the principal objects of this is to facilitate the prevention and detection of crime particularly as it relates to the resetting of stolen goods. However, it is proposed that the categories of goods are updated to reflect changes in technology and culture such as the advent of blu-ray discs.
- 3.4 As mentioned in paragraph 2.2, the activity of boat hire was introduced in 2007. To date no licence has been granted. Scottish Canals have regulatory control over the inland water at the Falkirk Wheel and the Helix Park. It is therefore suggested that consideration be given to the removal of this activity from a licensable activity.
- 3.5 The Council has resolved to licence **street traders** and there are 87 currently licensed. A street traders licence is required by any person hawking, selling, offering for sale or exposing for sale any article or offering to carry out or carrying out for money or money's worth any service to a person in a public place. This includes the use of a vehicle, stall or moveable kiosk. The majority of licences issued are for mobile ice cream vans. However there are mobile fish, burger, sandwich, chip and curtains vans that operate across the area and a number of static snack vans. There are also a small number of licences for the sale of novelty goods such as balloons. Temporary street trader licences are also issued throughout the year for seasonal events such as local gala days and recognised events such as the Christmas lights switch on and the fireworks display at Callendar Park. 51 temporary licences, which cover a maximum 6 week period, have been issued since 1 January 2015
- 3.6 It is suggested that there is still a need for this activity to be licensed as deregulation would provide a free-for-all for undesirable trading which will impact on the legitimate traders and businesses in the area.
- 3.7 The Council has also resolved to licence **Market Operators** and there are 4 currently licensed. A Market Operators licence is required for carrying on a private market, which is in the legislation as meaning "a market, whether covered or not, carried on by any person other than a local or public authority at which goods are offered by more than one seller for sale by retail to the public". There is no requirement for individual stall holders to be licensed. Should an authority decide to licence this activity, the Act stipulates that in addition to any other conditions on the licence, the licence *shall* include conditions as to the regulation of days and opening times, the provision of adequate toilet facilities, the layout of the site or premises on which the market is to be held and the maintenance of order and public safety.
- 3.8 It is suggested that there is still a need for this activity to be licensed. Deregulation would remove the current control in relation to those areas detailed in the previous paragraph.

- 3.9 There are currently 41 **late hours catering licences** in force. The Panel will recollect the recent change to the policy regarding the terminal hour for late hours catering premises. Changes to the legislation recently expanded the definition of late hours catering from the sale of “meals and refreshments” to “the sale of food”. The current wording in the Falkirk Council Resolution is the former and therefore it is recommended that it is amended to reflect this change.
- 3.10 The Council has resolved to licence **Window Cleaners** and there are 96 currently licensed. It is suggested that there is still a need for this activity to be licensed in the interests of crime prevention because window cleaners are unique amongst street traders in normally needing access to the inside and back of domestic premises.
- 3.11 The Council has resolved to licence **Public Entertainment**. Such a licence is required for the use of premises as a place of public entertainment. If licensing this type of activity, the authority must clearly specify the categories of activities covered. The current Resolution covers the following places or classes of public entertainment:-
- (a) Public Halls and Community Centres;
 - (b) Concert Halls; remove?
 - (c) Stadia or open spaces used for open air concerts, shows, displays or events but this shall not include community events such as gala days, fetes, street parties and other similar events where no fee is charged;
 - (d) Dance Halls; remove?
 - (e) Discos; remove?
 - (f) Bowling Alleys, roller or ice-skating rinks, Go-Kart Tracks
 - (g) Simulator rides, bungee jumping, trampolines, quad bikes, motor stunt displays;
 - (h) Billiard, snooker and pools halls; remove?
 - (g) Amusement Arcades;
 - (h) Funfairs;
 - (i) Circuses;
 - (j) Premises licensed under the Licensing (Scotland) Act 2005 holding public entertainment outwith the hours permitted by the Licensing Board.
 - (k) Premises used for paintball games, laser display and games and airsoft games

- 3.12 The following 8 premises are currently licensed:

Dobbie Hall
Falkirk Town Hall
Grangemouth Town Hall
Bo’ness Town Hall
The Hippodrome
Xtreme Karting
Callendar Park
Dye Hard (Indoor Paintball)

Additionally there have been 8 temporary PEL granted this year and 14 funfairs licensed.

3.13 It is considered that there is still a requirement for this activity to be licensed due to public safety. However, the list of activities should be reviewed in terms of continued relevance. Officers, having undertaken a benchmarking exercise with other authorities (see paragraph 4 below) have identified certain activities that other authorities licence such as tanning salons and indoor soft play premises, but which Falkirk does not. It is suggested that any potential additions to this category are fully assessed in terms of need to be licensed. This will involve discussions with appropriate stakeholders such as Environmental Health and Police Scotland.

4. BENCHMARKING WITH SIMILAR SIZE AUTHORITIES

4.1 A benchmarking exercise was undertaken with other Local Authorities in respect of the Public Entertainment category specifically and the undernoted table highlights the differences between Falkirk and some others:-

Local authority	Same as Falkirk Council?	If not, list additional categories
Clacks	No	Demonstrations; Motor Cycle Scrambling
West Lothian	No	Clay pigeon shooting; Any exhibition to which the Hypnotism Act 1952 applies; Any activity involving inflatable structures; Any activity involving shooting; Archery; Indoor play areas for children; Wrestling; Cage fighting; Adult entertainment.
North Lanarkshire	No	Swimming pools; indoor child's play centres; health and fitness; sun tanning centres; skate boarding; lectures, oral recitals including poetry reading, story telling and illustrated talks; hot air balloon rides; drive in cinemas; parachute jumps; historical/military re-enactments and displays
Aberdeen City	No	Bonfires; Dry Ski Centres; Fetes with Tented Accommodation; Halls used for Voluntary Organisations; Premises for Health and Fitness including Gyms; Schools and other Educational Establishments or parts thereof within which the number of members of the public admitted to or taking part in any single event or activity at any one time exceeds 60; Skateboarding; Sports Centres; Swimming Pools.
Edinburgh	No	Premises used a sun-tan centres; premises used for performing animals; off-road driving; premises used as gymnasiums.

Glasgow	No	Premises offering (i) gymnasium; (ii) sauna; (iii) sunbed; or (iv) massage facilities unless those facilities are being provided for the purpose of medical treatment and such treatment is being provided under the supervision or direction of a registered medical practitioner and provided within a healthcare establishment.
Renfrewshire	No	Large fetes with tented accommodation for the public; Tanning salons; Motor shows
East Ayrshire	For most part, with minor wording variations	Premises used for leisure activities with audience accommodation; Radio or TV stations with audience accommodation

5. NEXT STEPS

- 5.1 It is suggested that the Panel focus on each licensable activity within the Resolution and consider whether the activity still requires to be licensed in terms of the founding principles set out by the Scottish Development Department and as detailed in paragraph 2.1 of the report, or if the activity is effectively regulated by another agency/ authority.

6. RECOMMENDATION

- 6.1 That Members note the contents of the report.

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Chief Governance Officer

Date: 26 November 2015

Contact Officer: Alison Barr, Consumer Protection Manager (Telephone 01324 501265)

LIST OF BACKGROUND PAPERS

Nil.

FALKIRK COUNCIL

Subject: REVIEW OF CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 9 RESOLUTION
Meeting: POLICY DEVELOPMENT PANEL
Date: 4 MARCH 2016
Author: DIRECTOR OF CORPORATE AND HOUSING SERVICES

1. INTRODUCTION

1.1 At the meeting of the Panel on 1st December 2015, Members considered a report providing details of the Council's current Section 9 Resolution and suggested areas for refinement.

1.2 Members had regard to the current optional licensable activities and considered whether there was still a need for the activity to be licensed. In addition, Members had regard to the passage of time since the Resolution had been originally framed and to the outdated terminology that applied to some elements of the Resolution. The activities considered included:-

- Taxis/ private hire cars
- Second hand dealers
- Boat hire
- Street trading
- Market Operators
- Public Entertainment
- Late hours catering
- Window Cleaners

1.3 Having given careful consideration to matters, Members agreed that with the exception of boat hire, all of the optional licenceable activities still required to be licensed. Members agreed to remove boat hire licencing having heard from officers that no boat hire licence had been granted since the regime was introduced and that the inland waters such the canals were regulated separately by Scottish Canals. In addition to the deletion of boat hire, Members agreed on the following course of action:-

- Second hand dealing:- Members instructed officers to revise and modernise the list of articles contained in the second hand categories;
- Boat hire:- Members agreed to the removal of the hitherto licensable activity of boat hire;
- Public Entertainment: - Members instructed officers to undertake an analysis of public entertainment categories including specifically the relevance of continuing to require a licence for halls/ community centres and the possible expansion of activities to include tanning salons, soft play facilities and nail bars.

- Late hours catering: - Members agreed that the definition of late hours catering be expanded from the sale of “meals and refreshments” to “the sale of food”

2. SECOND HAND DEALING

2.1 Whilst Members were in agreement that there was still a requirement for second hand dealing to be licensed there was a general recognition that some of the articles detailed in the list of second hand goods were of some vintage and the list needed to be refreshed to reflect current circumstances.

2.2 The current list of second hand goods or articles is:-

- (a) Household effects and electrical and gas goods;
- (b) Personal effects including clothing, watches, jewellery, photographic equipment and mobile telephone equipment;
- (c) Bicycles;
- (d) Motor Vehicles, motor cycles and caravans including spare parts, accessories and tyres;
- (e) Manufactured goods;
- (f) Antiques, paintings, historical prints and maps;
- (g) Stamps and coins;
- (h) Antique and modern furniture and soft furnishings;
- (i) Sport and recreational effects including personal computers, computer peripherals and discs
- (j) Musical Instruments

2.3 It is proposed that the list be refreshed to include categories of goods that there is now an active second-hand market in, such as sports equipment, personal computers, laptops, tablets and associated computing equipment, DVD and Blu-ray discs, CDs and vinyl records, DIY equipment, audio equipment, prams, buggies and baby equipment. It is further recommended that “household effects” is clarified so it is clear that this includes home entertainment items and “bicycles” is extended to include scooters. It is recommended that the category “manufactured goods” is removed as it is too non specific.

2.4 The list of second hand goods or articles in the amended Resolution, with the suggested changes detailed in bold is below:-

- (a) Household effects, **including Home Entertainment** and electrical and gas goods;
- (b) Personal effects including clothing, watches, jewellery, photographic equipment and mobile telephone equipment;
- (c) Bicycles **and scooters**;
- (d) Motor Vehicles, motor cycles and caravans including spare parts, accessories and tyres;
- (e) Antiques, paintings, historical prints and maps;
- (f) Stamps and coins;
- (g) Antique and modern furniture and soft furnishings;
- (h) Sports Equipment**

- (i) **Personal Computers, laptops, tablets and associated computing equipment**
- (j) Musical Instruments
- (k) **DVD and Blu-ray discs, CDs and vinyl records**
- (l) **DIY equipment**
- (m) **Audio equipment**
- (n) **Prams, buggies and baby equipment**

3. PUBLIC ENTERTAINMENT CATEGORIES

3.1 At the last meeting of the Panel on 1 December 2015, Members considered the current list of Public Entertainment classes and places that the Council had resolved to licence and agreed that these should be reviewed in terms of the continued need for licensing. By way of a reminder, these are:

- (a) Public Halls and Community Centres;
- (b) Concert Halls;
- (c) Stadia or open spaces used for open air concerts, shows, displays or events but this shall not include community events such as gala days, fetes, street parties and other similar events where no fee is charged;
- (d) Dance Halls;
- (e) Discos;
- (f) Bowling Alleys, roller or ice-skating rinks, Go-Kart Tracks
- (g) Simulator rides, bungee jumping, trampolines, quad bikes, motor stunt displays;
- (h) Billiard, snooker and pools halls;
- (g) Amusement Arcades;
- (h) Funfairs;
- (i) Circuses;
- (j) Premises licensed under the Licensing (Scotland) Act 2005 holding public entertainment outwith the hours permitted by the Licensing Board.
- (k) Premises used for paintball games, laser display and games and airsoft games

Analysis of the public entertainment licences in force in 2015 showed that there were 7 premises currently licensed, these being:

Dobbie Hall
 Falkirk Town Hall
 Grangemouth Town Hall
 Bo'ness Town Hall
 The Hippodrome
 Xtreme Karting
 Dye Hard (Indoor Paintball)

and 1 open space used for open air concerts, shows, displays or events – Callendar Park.

Additionally there were 10 temporary public entertainment licences granted for events during the year and 14 temporary funfairs licensed.

3.2 The events that the temporary public entertainment licences were granted for were, in the main, events that take place in the area every year for a short time period and, with the exception of a circus, they all fall into the category “Stadia or open spaces used for open air concerts, shows, displays or events”. They were:

- Bo’ness Hill Climb
- Harness racing
- Tom Jones concert at Falkirk Stadium
- Monster Trucks and Autosport
- Mud n’ stuff Charity event
- Airth Highland Games
- Fire performance at the Helix
- Street Theatre performance
- Christmas Family Fun Day
- Zippos Circus

3.3 Officers advised at the previous meeting that currently none of the community centres/halls in the area were licensed. Members requested that officers undertake to identify the public halls and community centres/halls and to carry out an analysis of the activities that took place on these premises. Officers can advise that there are 23 community halls and 19 community centres which are managed by either a management committee or Falkirk Community Trust. The facilities provided include general purpose rooms, meeting rooms, IT suites and kitchens and the activities carried out on these premises are mainly meetings of community groups such as credit unions, the Citizens Advice Bureaux, money/debt advice and lunch clubs. There are, however, a number of these premises that are regularly let out to the public to hold events such as wedding receptions, fundraising dances, race nights, birthday parties, Burns Suppers etc. On these occasions, an occasional licence for the sale of alcohol is usually applied for or guests can bring their own bottle. A public entertainment licence is not required if an occasional licence is in force as section 41(2)(f) of the Civic Government (Scotland) Act 1982 states that “places of public entertainment” do not include licensed premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided during the licensed hours within the meaning of that Act.

3.4 In addition to community centres and halls owned by Falkirk Council, officers have identified a number of public halls that are used for a variety of purposes. These are:

- Dobbie Hall
- Shieldhill Welfare Hall
- Brian Clark Memorial Hall (formerly Camelon Memorial Hall)
- Laurieston Scout Hall
- Denny Orange Hall
- Larbert Rotary Hall
- Age Concern Hall, Carronshore
- Age Concern Hall, Larbert & Stenhousemuir
- Harrison Hall
- Unison Kinneil Band Hall

Again, these premises are regularly used to hold events such as wedding receptions, fundraising dances, race nights, birthday parties, Burns Suppers, band concerts, pantomimes, real ale festivals etc as well as regular community events such as fitness classes, youth groups, dancing classes. On these occasions, an occasional licence for the sale of alcohol is usually applied for or guests can bring their own bottle. If an occasional licence is in force, then a public entertainment licence is not required for the reason detailed in paragraph 3.3.

- 3.5 Having looked at the types of activities carried on in the majority of the halls and community centres in the area, it is considered that it is not necessary that they are licensed for public entertainment as the Environmental Health and Trading Standards Manager has advised that no reports of accidents occurring in these premises have been reported. However, it is proposed that premises, or parts thereof, within which the number of members of the public admitted to or taking part in any single event at any one time exceeds 150 be licensed on the grounds of public safety. Many of the larger premises such as the Dobbie Hall and Falkirk Town Hall have premises licences granted in terms of the Licensing (Scotland) Act 2005 and would therefore only require a public entertainment licence where the public entertainment takes place outwith licensed hours.
- 3.6 It is considered that there is still a requirement for this activity to be licensed due to public safety; however, it is recommended that the places and classes of entertainment be as follows:

Places of Public Entertainment:

Premises, or parts thereof, within which the number of members of the public admitted to or taking part in any single event at any one time exceeds 150;

Stadia or open spaces used for open air concerts, shows, displays (including laser and firework) or events but this shall not include community events such as gala days, fetes, street parties and other similar events where no fee is charged;

Premises licensed under the Licensing (Scotland) Act 2005 holding public entertainment outwith the hours permitted by the Licensing Board.

Classes of Public Entertainment :

Funfairs;

Circuses;

Simulator rides, bungee jumping, trampolines, quad bikes, motor stunt displays;

Go-karting;

Paintball, laser and airsoft games.

- 3.7 The current Resolution and the proposed draft Resolution are attached as Appendices 1 and 2 to the report.
- 3.8 In addition to reviewing the classes and places officers were instructed to investigate further the activities of tanning salons, nail bars and soft play facilities which had been identified as activities licensed by other authorities and to bring back information as to whether they should be licensed or not.
- 3.9 Officers contacted appropriate stakeholders when seeking views on the three additional activities and wrote to the Chief Constable to elicit the views of Police Scotland. Police Scotland has advised that there is a danger of organised crime groups and other groups establishing these types of businesses. However, there is nothing to indicate that they are present in the Falkirk Council area.
- 3.10 Part of officer considerations on whether an activity requires to be licensed involves whether the activity is regulated by another body. The Council would not wish to introduce an unnecessary bureaucratic burden on those businesses that are regulated by other bodies. Consequently, officers contacted Environmental Health and sought their professional views on the three activities detailed in paragraph 3.8. The Environmental Health and Trading Standards Manager advised that Tanning salons are of interest to Environmental Health and are now well-regulated by the introduction of the Public Health etc. (Scotland) Act 2008 (Sunbed) Regulations 2009 which impose strict conditions on their operation. He confirmed that these new conditions are similar to pre-existing licence conditions which some authorities had already introduced. It is suggested therefore that there is no need to licence this particular activity as it already well regulated. In terms of the soft play facilities and nail bars, these are inspectable by Environmental Health in terms of the Health and Safety at Work Act 1974. The National Local Authority Enforcement Code – Health and Safety at Work – England, Scotland & Wales issued by the Health and Safety Executive states that local authorities are to only intervene by exception in lower risk premises. The Environmental Health and Trading Standards Manager has advised that soft play facilities and nail bars are low risk. Based on the information from Police Scotland and Falkirk Council’s Environmental Health Section, it is suggested that there is no locus for licensing of such activities.

4. METAL DEALER LICENSING

- 4.1 The Air Weapons and Licensing (Scotland) Act 2015 received Royal Assent in August 2015. The provisions of the Act have implications for the Council’s licensing function. The Scottish Government issued a commencement Order on 2 February 2016 in relation to the mandatory licencing activity of metal dealing.
- 4.2 The main impact of this Order will be to increase the number of licences issued by the authority, as the former “exemption” system for dealers operating with a turnover of over £1 million will cease to apply. Other significant changes include:-
- Strengthened provisions with respect to metal theft, with new provisions on cashless payments for scrap metal sold;
 - The abolition of the statutory requirement to hold metal for 48 hours after purchase.

4.3 The activity of metal dealing is not contained within the Council's Resolution as it is a mandatory activity and must be licensed. Accordingly this matter is not strictly within the current considerations of the Panel. The impending changes which will take effect on 1st September 2016 are brought to Members' attention currently with a view to officers bringing forward a report detailing the changes to the Civic Licensing committee.

5. NEXT STEPS

5.1 The Resolution will require to be advertised in the local press and in accordance with the provisions of the Act.

6 RECOMMENDATION

6. That Members consider the contents of the report and determine whether to recommend the proposed changes to the Resolution to the Executive.

.....

pp Chief Governance Officer
Date: 23 February 2016

Contact Officer: Alison Barr, Consumer Protection Manager (Telephone 01324 501265)

Appendices

Appendix 1 – Current Resolution.

Appendix 2 – Proposed Resolution.

LIST OF BACKGROUND PAPERS

Nil.

Appendix 1

Civic Government (Scotland) Act 1982 Section 9 Resolution - Current

“That Falkirk Council, the Licensing Authority for the Local Government Area of Falkirk in terms of the Civic Government (Scotland) Act, 1982 RESOLVE (First) that as from 1st of December 2007, the following activities shall require to be licensed in accordance with the provisions of said Act relating to those activities and shall be regulated by those provisions:-

- (1) Taxis and private hire cars and their drivers including special event vehicles e.g. fire engines and stretch limousines. (Sections 10 – 23)
- (2) Second hand dealers. (Sections 24 – 27)

The Resolution shall relate to dealing in the following classes of goods or a articles:-

- (a) Household effects and electrical and gas goods;
 - (b) Personal effects including clothing, watches, jewellery, photographic equipment and mobile telephone equipment;
 - (c) Bicycles;
 - (d) Motor Vehicles, motor cycles and caravans including spare parts, accessories and tyres;
 - (e) Manufactured goods;
 - (f) Antiques, paintings, historical prints and maps;
 - (g) Stamps and coins;
 - (h) Antique and modern furniture and soft furnishings;
 - (i) Sport and recreational effects including personal computers, computer peripherals and discs
 - (j) Musical Instruments
- (3) Boat Hire (Section 38)
 - (4) Street Traders (Section 39)
 - (5) Market Operators (Section 40)
 - (6) Public Entertainment (Section 41)

The Resolution shall relate to the following places or classes of public entertainment:-

- (a) Public Halls and Community Centres;
- (b) Concert Halls;
- (c) Stadia or open spaces used for open air concerts, shows, displays or events but this shall not include community events such as gala days, fetes, street parties and other similar events where no fee is charged;

- (d) Dance Halls;
- (e) Discotheques;
- (f) Bowling Alleys, roller or ice-skating rinks, Go-Kart Tracks
- (g) simulator rides, bungee jumping, trampolines, quad bikes, motor stunt displays;
- (h) Billiard, snooker and pools halls;
- (g) Amusement Arcades;
- (h) Funfairs;
- (i) Circuses;
- (j) Premises licensed under the Licensing (Scotland) Act 1976 holding public entertainment outwith the hours permitted by the Licensing Board.
- (k) Premises used for paintball games, laser display and games and airsoft games

(7) Late Hours Catering (Section 42)

A licence will be required for the sale to or consumption by the public from premises, vehicles and stalls of meals or refreshments between the hours of 11pm and 5a.m. the following day.

(8) Window Cleaners (Section 43)

Appendix 2

Civic Government (Scotland) Act 1982 Section 9 Resolution - Proposed

That Falkirk Council, the Licensing Authority for the Local Government Area of Falkirk in terms of the Civic Government (Scotland) Act, 1982 RESOLVE (First) that as from xx of xx 2016, the following activities shall require to be licensed in accordance with the provisions of said Act relating to those activities and shall be regulated by those provisions:-

- (1) Taxis and private hire cars and their drivers including special event vehicles e.g. fire engines and stretch limousines.
- (2) Second hand dealers.

The Resolution shall relate to dealing in the following classes of goods or articles:-

- (a) Household effects, including Home Entertainment and electrical and gas goods;
 - (b) Personal effects including clothing, watches, jewellery, photographic equipment and mobile telephone equipment;
 - (c) Bicycles and scooters;
 - (d) Motor Vehicles, motor cycles and caravans including spare parts, accessories and tyres;
 - (e) Antiques, paintings, historical prints and maps;
 - (f) Stamps and coins;
 - (g) Antique and modern furniture and soft furnishings;
 - (h) Sports Equipment
 - (i) Personal Computers, laptops, tablets and associated computing equipment
 - (j) Musical Instruments
 - (a) DVD and Blu-ray discs, CDs and vinyl records
 - (b) DIY equipment
 - (m) Audio equipment
 - (n) Prams, buggies and baby equipment
- (3) Street Traders
 - (4) Market Operators
 - (5) Public Entertainment

The Resolution shall relate to the following places or classes of public entertainment:-

Places of Public Entertainment:

Premises, or parts thereof, within which the number of members of the public admitted to or taking part in any single event at any one time exceeds 150;

Stadia or open spaces used for open air concerts, shows, displays (including laser and firework) or events but this shall not include community events such as gala days, fetes, street parties and other similar events where no fee is charged;

Premises licensed under the Licensing (Scotland) Act 2005 holding public entertainment outwith the hours permitted by the Licensing Board.

Classes of Public Entertainment :

Funfairs;

Circuses;

Simulator rides, bungee jumping, trampolines, quad bikes, motor stunt displays;

Go-karting;

Paintball, laser and airsoft games.

(6) Late Hours Catering

A licence will be required for the sale to or consumption by the public of food from premises, vehicles and stalls between the hours of 11pm and 5a.m. the following day.

(7) Window Cleaners

RESOLUTION

CIVIC GOVERNMENT (SCOTLAND) ACT 1992

In authorised by section 9 of the Civic Government (Scotland) Act 1982, Falkirk Council, hereby resolves that:

(First) as from [insert date], the following activities shall require to be licensed in accordance with the provisions of said Act:-

Item	Activity	Section(s) of the Act
1	Taxis and private hire cars and their drivers including special event vehicles e.g. fire engines and stretch limousines	10 – 23
2	Second hand dealers dealing in the following classes of goods or articles: (a) household effects, including electrical and gas goods and home entertainment. (b) personal effects including clothing, watches, jewellery, photographic equipment and mobile telephone equipment. (c) bicycles and scooters; (d) motor Vehicles, motor cycles and caravans including spare parts, accessories and tyres. (e) antiques, paintings, historical prints and maps. (f) stamps and coins. (g) antique and modern furniture and soft furnishings. (h) sports equipment. (i) personal computers, laptops, tablets and associated computing equipment. (j) musical Instruments. (k) DVD and Blu-ray discs, CDs and vinyl records (l) DIY equipment (m) audio equipment (n) prams, buggies and baby equipment	24 – 27
3	Street Traders	39

4	Market Operators	40
5	<p>Public Entertainment. This covers the following places and classes of public entertainment where members of the public are admitted or may use the facilities for the purpose of entertainment or recreation:</p> <p>(a) premises, or parts thereof, within which the number of members of the public admitted to or taking part in any single event at any one time exceeds 150.</p> <p>(b) stadia or open spaces used for open air concerts, shows, displays (including laser and firework) or events but this shall not include community events such as gala days, fetes, street parties and other similar events where no fee is charged.</p> <p>(c) premises licensed under the Licensing (Scotland) Act 2005 holding public entertainment outwith the hours permitted within their operating plan.</p> <p>(d) funfairs.</p> <p>(e) circuses.</p> <p>(f) simulator rides, bungee jumping, trampolines, quad bikes, motor stunt displays.</p> <p>(g) go-karting.</p> <p>(h) paintball, laser and airsoft games.</p>	41
6	Late Hours Catering. A licence will be required for the use of premises between the hours of 11pm and 5a.m. the following morning for the sale to or consumption (either on or off the premises) by the public of food.	42
7	Window Cleaners	43

(Second) the foregoing resolution is made in respect of the whole Falkirk Council area.

(Third) any previous resolution by the Council under section 9 of the Act revoked as from the date this resolution comes into effect.

FALKIRK COUNCIL

Subject: PUBLIC PROCESSION POLICY
Meeting: POLICY DEVELOPMENT PANEL
Date: 1 DECEMBER 2015
Author: DIRECTOR OF CORPORATE AND HOUSING SERVICES

1. INTRODUCTION

- 1.1 At the meeting of the Executive on 30 September 2014, Members agreed to establish a policy development panel to review certain civic licensing activities. The panel reported its initial findings and recommendations in respect of the duration of taxi and private hire car licences and the terminal hour for late hours catering establishments to the Executive at its meeting on 29 September 2015. The Executive noted that the panel would conclude its review by formulating a policy on public processions and reviewing the Council's Resolution. It also noted the intention of the panel to consider regularising taxi operator categories.
- 1.2 The purpose of this report is to suggest a framework for a policy relating to the administration of Public Processions by the Council.
- 1.3 For the purposes of this report and the draft policy, the term 'procession' covers all parades, marches, Cavalcades and demonstrations where demonstrators process from one point to another point. In the main such marches tend to be organised by civic, cultural, political, arts or religious organisations, community groups or other interest groups.

2. BACKGROUND

- 2.1 Members may be aware that the current legislation (reference to Act) affords licensing authorities limited scope to prohibit or restrict the number and frequency of public processions. The licensing authority does not give permission for public processions. Organisers must notify the Council of proposed processions. In determining each notification, the Council must strike a balance between protecting the fundamental rights of individuals and organisations to organise and participate in public processions, and the need to minimise any potential disruption to the wider community by protecting the rights of all "Falkirk Bairns" to go about their daily lives without unnecessary disturbance.
- 2.2 To achieve this balance it is suggested that the Council consider the approach outlined later in the report to formulate a draft policy that will ensure Falkirk Council continues to operate its functions relating to the administration of Public Processions within the terms of the legislation. In addition, the introduction of a new policy will enable officers to assess all public processions and associated representations against the main considerations contained within the legislation.

3. PRESENT PRACTICE

3.1 At present, the Chief Governance Officer/ Director of Corporate and Housing Services have delegated authority to consider all notifications of intention to march. In exercising this authority, the licensing section has regard to each notification and any objections/ representations that are made. This is done in accordance with guidance issued by the Scottish Government following on from a review of Marches and Parades by Sir John Orr.

3.2 The Process for dealing with notifications is as follows:-

- Notification received and acknowledged
- Notification details sent to the Police, Roads Authority, Fire and Rescue Service, and Local Elected Members
- Those on the opt-in list* are routinely notified.
- Details of the procession are placed on the Falkirk Council website
- If the march contains large numbers, is considered to be controversial or high risk then the Licensing Section arranges a precursory meeting with the organiser and appropriate agencies
- If objections are received the notification is remitted to the Civic Licensing Committee for consideration
- If no objections are received, a letter confirming that the parade can proceed is issued along with suggested conditions that the organiser should adhere to (although not compelled to do so).

* As part of good practice, the council wrote to all the community council in the area to ask if they wanted to be notified of parades and marches through their area. Additionally a small number of individuals have asked to be put on the opt-in list.

3.3 When considering when to prevent a procession or to place conditions on it, the council must consider the effect of holding the procession in terms of the following factors:

- i. Public safety;
- ii. Public order;
- iii. Damage to property; and
- iv. Disruption to the life of the community

Currently officers do not have delegated powers to consider the relevance of any objections received. Any objection must be on one or more of the grounds above.

3.4 An analysis of public processions received by the Council over the past 5 years has been undertaken and the figures are as follows:-

- 2011 – 84
- 2012 – 96
- 2013 – 94
- 2014 – 90

- 2015 – 85 (to date)

3.5 During the last 5 years, the Council has considered many routine and annual parade notifications from gala day committees, Falkirk Towns Ltd, the Free Colliers, Bo'ness Children's Day, the Orange Order, the Apprentice Boys of Derry, Cairde Na H'Eireann and organisations in respect of the Remembrance Day parades. In the main there have been little or no issues to contend with and no objections received. However, the initial notification submitted by Cairde Na H'Eireann for a parade in Denny town centre generated a great volume of objections (in excess of 100), many from outwith the Falkirk area. Very few of the objections were in relation to public safety, public order, damage to property or disruption to the life of the community. Offices were unable to discard those that were not in relation to the aforementioned. Ultimately consideration of the matter was undertaken by the Civic Licensing Committee having regard to the nature of the objections and the local circumstances. The processing of such a large volume of objections for the meeting was time consuming and labour intensive.

4. CURRENT CHALLENGES

4.1 Falkirk is a multicultural district in which, over many years, communities and individuals of different backgrounds and cultures have found a home. A progressive forward looking area, Falkirk is also conscious of the importance of its history. One aspect of this is the tradition of public processions and demonstrations. Free Colliers/ Bo'ness Children's Day/ Gala Days. Whilst this tradition has many positive aspects, it also poses a series of challenges to the area. These challenges include:

- a significant number of processions overall within the district
- the increasing importance of retail, leisure, business and tourism to the area and the impact which such a number of public processions have upon these sectors;
- disruption caused to public transport and traffic flow in the area, particularly in the various town centres;
- increasing costs required to police parades, in both financial resources and police hours. Cost range for a couple of hundred pounds to a couple a thousand. This is at a time when pressures on overall public expenditure are increasingly acute.

5. BENCHMARKING WITH SIMILAR SIZE AUTHORITIES

5.1 In considering what policy framework would best suit Falkirk, officers had regard to other similar size authorities and sought to benchmark with them in terms of how they administer public processions.

- West Lothian – the approach is broadly similar
- North Lanarkshire - NLC have prepared a code of conduct. It reflects local conditions and experiences and takes account of the statutory framework and good practice guidance set out in Government guidance. Interesting elements include: - “the organiser shall ensure that, wherever possible, proposed routes follow main roads and do not go through residential housing”.

- Renfrewshire – conditions specify width of procession (no more than 4 abreast) and procession may be split into sections in order to avoid serious dislocation of traffic.
- Aberdeen City – they have devised a policy/ guidance notes that set out issues that the Council considers to be important.

5.2 In his report on the review of Marches and Parades in Scotland, Sir John Orr considers that it would be useful for local authorities to provide guidance for organisers of events. It is suggested by Sir John Orr that the guidance could usefully include the following:-

- Legal Requirements on organisers
- Insurance requirements
- Event Planning
- Checklist and timeline
- Risk Assessment
- Stewarding
- Essential contacts
- General code of conduct

5.3 Falkirk at present provides guidance online in respect of most of the above. The notification form and risk assessment form are available to download as is a list of forthcoming parades and previous ones. There is information on how to make a representation. It would be useful however to have a general code of conduct for organisers to have regard to.

6. NEXT STEPS

6.1 It is recommended that the panel consider issues such as recommended routes for parades (in the same way as North Lanarkshire has done), the times and location that bands can play, putting the onus on organisers to notify places of worship and instruct officers to prepare a code of conduct for organisers to have regard to.

6.2 It is suggested that a consultation exercise is undertaken and views sought on public processions with the following stakeholders such as:-

- Police Scotland
- The organisers themselves
- The public (for example through Community Council's, those on opt-in lists, Citizen Panel, survey monkey)
- Public Transport bodies – First Bus, taxi trade
- Falkirk Council – Roads Authority, Environmental Health (regarding the issue of bands playing before a certain time in the morning)
- Town centre management (to give a view of retailers/ businesses)
- Religious groups

6.3 It is suggested that consideration be given to establishing a decision making framework for consideration of representations affording officers discretion to disregard those that do not relate to the ground set out in paragraph 3.3.

7. RECOMMENDATION

7.1 That Members note the contents of the report.

.....
Chief Governance Officer
Date: 25 November 2015

Contact Officer: Alison Barr, Consumer Protection Manager (Telephone 01324 501265)

LIST OF BACKGROUND PAPERS

FALKIRK COUNCIL

AGENDA ITEM

Subject: PUBLIC PROCESSIONS POLICY
Meeting: POLICY DEVELOPMENT PANEL
Date: 4 MARCH 2016
Author: DIRECTOR OF CORPORATE AND HOUSING SERVICES

1. INTRODUCTION

- 1.1 The purpose of this report is to present for consideration a draft public processions policy together with the rationale and evidence underpinning it. A copy of the draft policy is attached as appendix 1 to the report.

2. BACKGROUND

- 2.1 The Panel considered a report on 1st December 2015 which outlined a suggested framework for developing a policy relating to the administration of public processions by the Council. Due to the very small number of complaints received following parades and the lack of any incidents during or after parades, Members were keen to have a “light touch” policy approach.
- 2.2 Officers had regard to Sir John Orr’s Review of Marches and Parades in Scotland in 2006 and guidance subsequently issued by the Scottish Executive. The guidance suggested that it would be useful for local authorities to share good practice and advice when preparing policies and codes of practice.
- 2.3 A brief benchmarking exercise was undertaken with other local authorities in terms of the policies and practices they have in relation to the administration of public processions in their area. Officers have prepared a draft policy based upon the other local authority examples whilst being mindful of the local circumstances and traditions particular to the Falkirk Council area.
- 2.3 The new draft policy attached this report has officer comment in purple text which gives some context and explanation as to certain aspects of the policy. Members are invited to consider these comments and consider the draft policy in light of these.
- 2.4 The draft policy has initial comment from Police Scotland, the Roads Authority, the Council’s Transport Planning and Environmental Health section.
- 2.5 The taxi trade were consulted on the draft policy at the recent meeting of the Taxi Forum which took place on 1 March 2016. This is the first meeting of the Forum since the PDP last met in December 2015. The views of the Forum will be conveyed verbally by officers at the Panel meeting on 4 March 2016.

3. POLICY PROPOSALS

- 3.1 The draft policy sets out the legal position in relation to organising a procession; the notification process including how objections and appeals are dealt with; guidance for Organisers; and a Code of Practice for Organisers, Stewards and Participants.
- 3.2 Should Members be minded to agree to the draft policy and Code of Practice, its success will be dependent on the continued close working of the Council with procession organisers and all other stakeholders.
- 3.3 In the report to the Panel on 1st December 2015 officers said that consultation could be undertaken with various stakeholders. It is suggested that a short formal consultation exercise (4 weeks) with the following refined list of stakeholders be commenced:-
- Elected Members
 - Community Councils
 - Those organisations/ individuals on the “opt-in” list
 - Organisers of regular processions in Falkirk
 - Town centre management
 - Police Scotland
 - The Roads Authority
- 3.4 Any comments received would be contained within a revised draft policy for the Panel’s consideration. The Panel would thereafter consider the draft policy with any comments and recommend approval and adoption by the Executive.

4. RECOMMENDATION

- 4.1 It is recommended that Members consider the contents of the draft policy and Code of Practice for Public processions and whether it should be the subject of a short consultation exercise.

.....
pp Director of Corporate & Housing Services
Date: 2 March 2016

Appendices

Appendix 1 – Draft Public Processions Policy.

Contact Officer: Alison Barr, Consumer Protection Manager (Telephone 01324 501265)

LIST OF BACKGROUND PAPERS

Nil.

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1 Introduction and Legal Information

1.1 Introduction

The term “processions” in this guidance includes all parades, marches, cavalcades and demonstrations whether organised by Arts, Civic, Cultural, Political, Religious, Sporting, Campaigning, Community or other groups.

While the right to have a procession is protected by the Human Rights Act 1998, it is not an absolute right, and restrictions can be imposed. There may be occasions when participants or followers display an overtly controversial, political or religious affiliation which may cause offence to others and even provoke public disorder. It is to be accepted that, in a democracy, views which may not accord with those of the majority are entitled to be expressed. Accordingly this guidance has been produced to help the Council, organisers and participants ensure that all processions take place in as disciplined a manner as possible and in accordance with all reasonable standards.

1.2 Purpose of this document

The document aims to provide information on:

- the legal position in relation to organising a procession;
- the notification process including how representations are dealt with;
- planning a procession; and
- a Code of Practice for Organisers, Stewards and Participants.

1.3 Legal Position

The Council’s Policy operates within the context of Section 62 of the Civic Government (Scotland) Act 1982 as amended by the Public Order Act 1986. This means that, as a Council, we do not technically “approve” processions. In appropriate circumstances, however, we can prohibit, change the route, or time, or make conditions, as to how a procession takes place.

The Council must act within the law, apply the law precisely and base its decisions on correct facts. The Council has to exercise discretion in a reasonable manner, act within its powers and be able to justify any conditions or prohibition in relation to the specific circumstances of a procession.

The Council’s policy recognises the need to achieve a balance between the legitimate desire of people to demonstrate and protest, to celebrate their history and cultural traditions, or to raise awareness of issues which they regard as important, and the legitimate right of non-participants to go about their daily lives with minimal disruption and inconvenience.

1.4 Policy Aims and Principles

It is critical to its success that the Council works with the Police and procession organisers to ensure that this policy is:-

- Applied equally to all organisations that might wish to hold events in the area.
- Implemented fairly.
- Adhered to consistently.
- Monitored by its officers.

The Council's policy is intended to be a general one which applies to those who organise processions and those who wish to participate.

The policy is based on three key principles:-

- The right to peaceful assembly and freedom of expression as outlined in the European Convention on Human Rights are fundamental rights which the Council believes should be open to all.
- These rights are not absolute, however, and must be balanced by the responsibilities to ensure that the rights of others are not infringed.
- The exercise of those rights bring specific responsibilities both to those organising and participating in processions especially in relation to those residents whose lives may be disrupted by a particular procession.

The policy sets out issues which the Council considers important when dealing with the notification of a procession. This represents a general approach; each procession will be assessed on its own merits and according to circumstances.

Responsibility for a procession and its participants lies principally with the procession organiser who must ensure a pre-planned, well organised and peaceful event that has as little negative impact as possible on local residents, businesses and communities. The Police too have a critical role in upholding the law in and around processions and demonstrations.

2 Notification Process

2.1 How the Council will deal with notifications

When the Council receives your notification, it will seek to assess whether it's likely to be contentious or otherwise and designate it high or low risk.

For some notifications it is suggested that a fast track approach be considered for events that are either low key or routine, the majority of marches would be categorised by officers as low risk if they are for a traditional event, a routine procession, or a procession which has a good record from previous years. Such processions would be assessed with no requirement for precursory meetings. This approach is advocated in the Review of Marches and Parades in Scotland guidance for Scottish local authorities.

The notification will be sent to the following consultees:

- Police Scotland
- The Council's Roads Section; and
- The Scottish Fire & Rescue Service

In addition, the local Elected Members whose Ward area will be affected by the proposed procession will be notified.

The Council holds a list of persons/ local organisations who have requested to be notified routinely of any proposed public processions in their areas. This is referred to as the "opt-in" list. Any person or organisation on this list will also be notified of proposed processions in their area.

Section 63(9) of the Civic Government (Scotland) Act 1982 places a duty on each local authority to collate a list of public processions which have been held in their area and those that were prohibited. In the guidance referred to earlier in the policy it is suggested that the local authority in addition to this requirement should also consider compiling a regular online list of proposed public processions. The Council currently operates a list of processions both proposed and held. It is suggested that this practice should continue.

The proposed procession will also be advertised on our website. In this case any person or body will be able to submit a representation to the Council raising any concerns or observations they wish to make relative to the proposed procession.

Depending on the information you supply in the notification form and any responses to the notice, you may be asked to attend a meeting with Council officers and the Police to discuss the proposed procession. Processions involving large amounts of people are likely to be classed as higher risk and may involve a series of meetings between the Council and key stakeholders such as the Police. In addition it may be necessary to hold a debrief meeting after the procession to review the event.

If there are no representations to the notification and the procession is categorised as low risk the notification will be fast tracked and the Council will send you a letter confirming details of the procession, including the date, route and time, together with the Council's Code of Practice.

If the procession is to end in a rally or demonstration in a public space owned by the Council, such as a park, you should contact the Council in the first instance to obtain the necessary consents.

Police Scotland has confirmed that they have no responsibility for traffic management at pre-planned events such as public processions. Historically the Police would have managed traffic however this position has now changed and accordingly the organiser of a public procession must have due regard to the proposed route and size of the procession and make arrangements for traffic management measures, as required.

The Roads Authority also confirmed that the responsibility for traffic management measures lies with the organiser of the public procession including the preparation and cost. If road closures are required, the Roads Authority will advertise a temporary traffic road order. There is a cost associated with the advertising which again must be borne by the organiser.

It is considered that the draft policy should contain references to traffic management matters to enable organisers to fully consider the practicalities and costs that may be associated with the procession.

Traffic may be held up for short periods for events such as processions and consideration of traffic management arrangements should be considered by the organiser of a public procession. If it is considered appropriate to halt traffic, a temporary traffic regulation order (TTRO) will be required and can be promoted on behalf of the event organiser by the Council's Roads Authority to effect road closures and control the movement of traffic. There are costs associated with the advertising of such orders and further information can be obtained from the Roads Authority.

It is important to note that where traffic management measures are required on the procession route, responsibility for this work and its cost is the responsibility of the procession organiser and not the responsibility of Falkirk Council.

Current legislation presumes the right to hold a procession and, as a Council, we must justify any conditions or prohibitions in relation to the specific circumstances of a procession. The nature of any restriction must be in proportion to the aim which it is trying to tackle.

2.2 How the Council will deal with representations

Where representations have been received from the Police or concerns raised by local residents or businesses, we will make every effort to communicate and negotiate with you, as procession organiser, to resolve concerns to the mutual satisfaction of all involved. You will be asked to attend a precursory meeting to discuss any issues arising from your notification. Depending on the outcome of the meeting you may have to submit a revised and mutually agreed notification.

If, however, it is impossible to resolve difficulties through negotiation, a formal meeting of the Civic Licensing Committee will be arranged to consider the notification and the issues raised.

At the Committee meeting those proposing the procession and those persons or organisations making representations to it will be invited to present their cases and Committee Members will have the opportunity to question them.

After hearing all parties, the Committee will announce its decision which will be confirmed in writing. The Council can either prohibit the holding of a procession or impose conditions on it.

Conditions may include:-

- Making alterations to the date, time, duration or route of the procession.
- Requiring stewarding arrangements to be strengthened.
- Seeking to prevent a procession to ensure that anti-social behaviour is not promoted.
- Prohibiting its entry to any public place specified in the Order.
- If the Council decides to prohibit a procession under Section 63(1) of the Civic Government (Scotland) Act 1982, a letter will be sent to you as organiser as early as possible after the Hearing, containing a Statement of Reasons as to why the procession has been prohibited.

2.3 What the Council will take into account when considering your notification

Section 68(8)(a) of the Act gives a local authority scope to consider a range of issues to help it decide if there will be a need to consider preventing a procession or placing conditions upon it. The following factors must be taken into account:

- Public safety
- Public order
- Damage to property
- Disruption to the life of the community

Any decision to prevent a procession or place conditions on it must be and justifiable in line with the European Convention on Human Rights and that the nature of the restriction is proportionate.

When reaching a decision on preventing a procession or placing conditions on it, the Council must also assess whether the procession (either alone or with other events) would place too much of a burden on the police. For example, it is important that enough police officers will be available to patrol the march and keep order. This will be a particularly important issue to consider if several processions and feeder processions are planned to take place.

The Council will examine all the factors before deciding whether it would be appropriate to prevent a procession or place conditions on it (such as re-routing the event).

In considering the notification of a procession, the Council will also take the following into account:-

In terms of the **volume of processions** we will consider the number of processions that have taken place within the area affected by the proposed procession within the last year and in light of this the potential for the procession to cause excessive disruption to residents and businesses in the area and to motorists, pedestrians and public transport users along its proposed route.

Transport Planning Officers have advised that buses are under a statutory obligation to provide bus services for routes at specific times. This means that a consequence of a procession may be that bus services are disrupted and the bus operator may end up in breach of their statutory responsibilities. They have identified Upper Newmarket Street and Bellevue Street as routes that should generally be discouraged by virtue of the major impact any procession would have on bus services.

Roads officers have advised that the main arterial routes are generally subject to the highest traffic volumes and therefore processions can cause the most disruption to traffic, however they are also the most likely to receive winter maintenance treatment and have more frequent safety inspection surveys with potentially less risk to marchers than in local access/ residential streets. Roads officers have also advised that processions in local access roads would cause less disruption with fewer journeys displaced, and would be preferable from a Roads perspective. It is recognised by Roads officers however, that certain public processions may wish to draw attention to a particular matter and local access routes would provide less attraction than main routes.

In terms of **procession routes**, the Council will consider:–

- The impact of the route on residents, bus operators, businesses and transport users and seek to balance the desire of the procession organisers for a particular route with the impact on other people affected by that route.
- Organisers proposals for stewarding and other arrangements. If we need to alter proposed routes to limit disruption in local areas, we will also try to maximise opportunities for the Police and Roads staff to ensure that traffic and pedestrian movement is disrupted as little as possible.

Officers from Environmental Health have advised that the playing of music from a band forming part of a public procession does not constitute a statutory noise nuisance by virtue of the short duration and infrequency of the event.

In terms of the **timing of processions** the Council would expect processions to generally take place between 9am and 6pm and that no music will be played before 9am and after 6pm unless good reasons are presented. It is considered that there are sound reasons underpinning this aspect of policy in relation to the disruption to the life of the community and the reasonable expectation that at weekends in particular, playing of music early in the morning could be regarded as an unacceptable disruption and intrusion into people's lives. There are of course historical precedents for marching and playing music outwith these times for example Bo'ness Children's Fair Day and local Orange Order marches in certain Braes villages.

In terms of **likely threat to public disorder** the Council will consider:-

- Police Scotland advice regarding public safety or potential public disorder in relation to any proposed procession, as well as reports on the extent to which previous processions have involved anti-social behaviour on the part of participants or followers.

The Council will also have regard to:-

- Any representations from residents, businesses and others whose activities are likely to be affected by the proposed procession regarding the expectation of disruption, public disorder and anti-social behavior; and.
- Any assessments or representations from the Council's Roads staff.

Once the Council has considered the above it will decide whether it is necessary to:-

- Make alterations to the route.
- Impose conditions on the procession.
- Ask for stewarding arrangements to be strengthened.
- Seek to prevent a procession to ensure that anti-social behaviour is not promoted.

The Council will look at the impact of a procession in its totality.

The likelihood of any restriction will be greater where the procession or its followers have previously:-

- Caused public disorder or damage to property.
- Been involved in anti-social behaviour.
- Failed to comply with Police instructions on the day.

2.4 Cancellations

If you have to cancel your procession or demonstration, it is your responsibility, as organiser, to advise the Licensing Unit as soon as possible. Where practical you should confirm the cancellation in writing.

3 Guidance for Organisers

When officers benchmarked with other local authorities most if not all had a code of practice for organisers of public processions to consider. The code of practice detailed at section 4 contains elements that officers consider to be the most salient points of the notification process contained within the other codes of practice and it is suggested that this forms the basis of the code of practice for Falkirk Council.

3.1 Notification

The Council will require the organisers of a procession to agree to the Council's Code of Practice when notifying us of the intention to hold a procession. In practice there will be a degree of flexibility in how far the guidelines operate to reflect local circumstances.

If you are organising a procession you can either collect a notification form from Falkirk Council Licensing Section, request one by post by phoning 01324 501575 or download a notification form:

<http://www.falkirk.gov.uk/services/law-licensing/licensing/road-street/public-processions.aspx>

You must provide at least 28 days' notice to the Council and Police Scotland of the intention to hold a procession, except in exceptional circumstances, where this period of notice would be impractical. This is to ensure sufficient time for any necessary discussions to take place. It is the responsibility of the organiser to check if temporary road closures would be required for the procession and, if this is the case, to factor in sufficient time to allow a temporary road traffic regulation order to be processed.

It is desirable that notification is given as early as possible in those cases where a series of similar processions is proposed.

Full co-operation with the Council and Police Scotland will be required from the time of submission of the notification of a procession until the procession disperses.

As organiser you must ensure that in the event of the procession or demonstration being cancelled, the Council and the Police are informed of this promptly and the cancellation confirmed in writing to the Council within 48 hours, unless this is impractical, due to exceptional circumstances.

3.2 Information needed

You must submit a notification form in the required format. The form asks for:-

- The name of the organisation
- The details of the person responsible for all arrangements
- The details of the Chief Steward
- The reason for the procession
- The location of the procession and number of persons likely to take part
- The date, day and start time of the procession
- The proposed route and proposed traffic control arrangements
- The details for the control of the procession, including the number of stewards
- The details of any bands performing
- Any other relevant information

The Guidance from the Scottish Government contains a suggested risk assessment form for Councils to include as part of the notification pack for organisers of public processions. The current notification pack includes this risk assessment and guidance on how to complete both the notification and the risk assessment. It is suggested that this form of good practice continues. Officers have revised the form and supplemented the questions to reflect local circumstances in terms of places of worship/ places where civil marriages and partnership ceremonies take place. In addition, comments from Roads have been incorporated in terms of pedestrian considerations.

3.3 Public Procession Risk Assessment Form

In addition to the notification form, a completed risk assessment is required. The notification includes a risk assessment form and this should be completed and returned along with the notification. The Council asks you to fill in the risk assessment form to help them understand what dangers and risks might be associated with holding your event. This form will take you through the most common areas of risk which we and the police might want to raise with you.

Purpose of filling in the risk-assessment form

A risk assessment for the procession will help to:

- identify any dangers associated with holding it;
- evaluate the level of any known risks;
- decide who is at risk and in what way and how the risk to them could be reduced or eliminated; and
- decide, where other types of risk have been identified, whether it would be possible to introduce appropriate measures to allow the procession to go ahead.

Although not a statutory requirement, organisers are encouraged to consider having appropriate insurance cover for the event.

Who should complete this form

It would be preferable if a suitably qualified person (e.g. someone who is trained in health and safety regulations) completes the risk assessment. If that is not possible, someone else with a strong knowledge of the area where the march is to be held should fill it in. The Council will then check the form and compare it to the assessment of risk which it and the police may carry out.

You are asked to provide full detailed answers to the undernoted questions.

Is the date of your procession particularly significant to the organisation?

Has your organisation marched along the same route before?

Are there enough trained stewards to control the number of marchers expected?

Have there been any difficulties or tensions in the recent past with holding this procession?

Please assess the level of risk there may be to public safety. (Please also say whether risk is low, medium or high). Include details of how pedestrians will be affected by the procession i.e. will formal pedestrian crossing points be affected and what alternative arrangement will be provided. Please assess any risk to public order. (Please also say whether risk is low, medium or high)

Please assess the risk of damage to property. (Please also say whether risk is low, medium or high)

Please assess the risk of disruption to local businesses, the community or shoppers and traffic from holding the procession. (Please also say whether risk is low, medium or high)

Please assess any impact of the procession on traffic movements and provide proposed mitigation measures

Taking account of all the information in this table, what is your opinion of the overall risk of holding the procession? Is it low, medium or high?

At the end of the procession, what are the arrangements for getting marchers to go home?
Are you organising any other social events at the end of the procession? (Please give details of what these are) Will you need a police presence?
Is the proposed route shown on your notification a route that your organisation commonly uses?
Have you taken out insurance to help cover any risks arising from the procession?
What is your assessment of the risks to marchers if the route passes through communities which may be against the march?
Do you have enough security in place for any coaches and other vehicles used by the marchers?
Have you assessed what other priorities there may be in the area on the day of the march?
Have you considered the effect on the community as a whole if the march went ahead?
Have you contacted any Churches or places of worship or premises where civil marriages or partnerships may take place located within your route and advised of your march?
Could you combine this procession with other similar events in the area?

4 Code of Practice

You, as Event Organisers and Stewards, are asked to adhere to this Code of Practice and promote its principles to participants.

The Organiser

Safety and Public Order

- Ensure anyone under the influence of alcohol or drugs is not allowed to participate.
- Ensure that an appropriate number of stewards or marshals are available (1 for every 10 marchers)
- Provide guidance and instruction to Stewards on their role.
- Identify himself/herself to the Police Officer in charge at the commencement of the procession.
- Ensure that all participants have been informed of any conditions imposed on the procession, or changes to timing, route, etc.

Routes

- Ensure that the Police are assisted in guaranteeing passage for traffic and pedestrians.
- Ensure that where necessary the procession is split into sections in order to avoid serious disruption to traffic flow and to facilitate the crossing of pedestrians who have a right of free access and passage to or through any public area.
- Ensure that all playing of music (with the exception of a single drum beat) ceases when approaching or passing places of worship
- Ensure all participants are dispersed as soon as the procession concludes.

Legal Requirements

- Note that the terms of the Public Order Act 1936 in relation to the prohibition of the wearing of uniforms signifying association with any banned organisation etc. shall be observed.
- Note that the terms of the Public Order Act 1986 in relation to the powers of the Chief Constable during or immediately before a march or parade

Stewards

- Carry proof of status.
- Co-operate with the Police as required.
- Are highly visible and easily identifiable.
- Conduct themselves in an appropriate manner.
- Ensure that participants comply with directions regarding their own public safety and that of members of the public.
- Accept that he/she is responsible for the behaviour of all participants including bands where appropriate (or its followers), and for ensuring general compliance with the Council's Policy on Public Processions and Police instructions.
- Ensure that the behaviour of participants could not reasonably be perceived as being deliberately aggressive (that is threatening, abusive, homophobic, sectarian or racist).
- Note that the Council may take into account any public disorder, anti-social behaviour or damage to property resulting from a specific procession, if notification is received from the organiser for a similar march.

Participants

- Behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in areas where there has previously been public disorder around processions.
- Behave with due respect at “sensitive” areas such as places of worship.
- Refrain from using words or behaviour which would reasonably be perceived as being deliberately aggressive (that is threatening, abusive, homophobic, sectarian, or racist).
- Obey the lawful direction of procession organisers, stewards and Police at all times.
- Keep to the designated routes.
- Refrain from consuming alcohol or drugs prior to or during the procession.
- Disperse in good order as soon as the procession concludes.

5 Further Information for Organisers

5.1 Notification Form

If you wish to organise a public procession, you can obtain a notification form from: The Licensing Unit, Governance, Corporate & Housing Services, Falkirk Council, Municipal Buildings, West Bridge Street, Falkirk FK1 5RS

Email: licensing@falkirk.gov.uk

Tel: 01324 501575

Notification forms are also available online at:-

<http://www.falkirk.gov.uk/services/law-licensing/licensing/road-street/public-processions.aspx>

You should read the notification form, along with the Council’s Policy on Public Processions, and when completing the form take into account all aspects of the Policy. If you believe you have any difficulty in complying with the Policy’s conditions, you must explain this in detail when submitting the form and give the reasons why any exceptions to the Policy should be considered. It is suggested that you should work your way through the form section by section. If there are parts or sections which you cannot fill in, you should contact the licensing unit for assistance. If your overall risk assessment shows that there is a high risk associated with holding the procession, you should contact us as soon as possible to discuss if we can find solutions to reduce or remove the risk. Once we have considered the notification, the risk assessment and all other evidence, we may contact you to hold a meeting.

You should send your risk-assessment form, along with the notification to the licensing unit at least 28 days before you plan to hold a procession. You are reminded that it is the responsibility of the organiser to check if temporary road closures would be required for the procession and, if this is the case, to factor in sufficient time to allow a temporary road traffic regulation order to be processed.

If you cannot send your notification and risk assessment within this period, you should speak to the licensing unit for advice.

The Council will assess the risks associated with holding your procession within the first two weeks of receiving your risk-assessment forms. You should remember to keep a copy of this form for your records and bring it with you for any meeting which we may hold. This is because the Council and the police may want to raise issues with you about how your assessment compares to ours. In case there are problems, we may need further meetings.

Please send your completed notification form and risk assessment form to Licensing Unit, Falkirk Council, Municipal Buildings, Falkirk FK1 5RS

Tel No: 01324 501575

Email: licensing@falkirk.gov.uk

5.2 Publication of Procession Details

Details of known forthcoming processions will be placed on the Council's website at <http://www.falkirk.gov.uk/search/?q=pulic+processions>. This information is updated regularly.

5.3 Enquiries

You can make specific enquiries on particular processions to:

The Licensing Unit,
Corporate & Housing Services,
Falkirk Council,
Municipal Buildings,
West Bridge Street,
Falkirk
FK1 5RS

Email: licensing@falkirk.gov.uk

Tel: 01324 501575

5.4 Other Sources of Information

Guidance for Scottish local authorities on marches and parades in Scotland.

<http://www.scotland.gov.uk/Publications/2006/12/06144351/0>

The Purple Guide

(Guide to Health, Safety and Welfare at Music and Other Events)

<http://www.thepurpleguide.co.uk/>

APPENDIX 6

POLICY DEVELOPMENT PANEL – REVIEW OF CIVIC LICENSING ACTIVITY

NOTE OF MEETING HELD ON TUESDAY 1 DECEMBER 2015 at 3.00 p.m.

WITHIN MUNICIPAL BUILDINGS, FALKIRK.

In attendance: Provost Pat Reid; Councillor Jim Blackwood (Convener); Councillor Dennis Goldie; Alison Barr (Consumer Protection Manager); Bryan Douglas (Licensing Co-ordinator); Jack Frawley (Committee Services Officer), and Rose Mary Glackin (Chief Governance Officer).

Apologies: None.

Councillor Blackwood welcomed those in attendance to the seventh meeting of the panel. The purpose of the meeting was to consider reports by the Chief Governance Officer, at items 2 and 3 below, in relation to the development of a policy covering parades and processions; and the review of the Civic Government (Scotland) Act 1982 section 9 resolution. The panel discussed the process by which additional taxi and private hire car operator licenses are issued. It was noted that the approval of the Civic Licensing Committee had been included in the process as a control method.

An agenda had been circulated prior to the meeting and this included (a) a note of the previous meeting; and (b) the said reports by the Chief Governance Officer.

1. Note of Meeting held on 18 September 2015

The panel **agreed** the note of the meeting of the policy development panel held on 18 September 2015 and that a report is submitted to the next meeting on the procedure for considering applications for additional private hire car and taxi operator plates including the option to delegate authority to officers.

2. Report by Chief Governance Officer – Development of a policy covering parades and processions

The Consumer Protection Manager was heard in relation to the report by the Chief Governance Officer recommending a framework for a policy relating to the administration of Public Processions by the Council.

The report detailed the background to the Council's position on parades and processions, highlighting the relevant legislation, present practice, current challenges, benchmarking with similar sized authorities, and next steps.

Members discussed:

- how to discuss the relevance of objections;
- the classification of gala days as parades;
- a policy position on time restrictions in which music would not be allowed;
- if there was a need for a formalised policy position, and
- commented positively on the suggestion that for large processions there should be sufficient gaps at points throughout the parade to allow the flow of traffic to continue.

The panel **agreed** to note the report and request that a report is submitted to a future meeting detailing a formalised policy option for consideration.

3. Report by Chief Governance Officer – Review of Civic Government (Scotland) Act 1982 Section 9 Resolution

The Consumer Protection Manager was heard in relation to the report by the Chief Governance Officer considering the current Resolution and recommending areas for refinement.

The report detailed the background to the Council's licensing regime and the distinction between mandatory and non-mandatory licensing activities, the Council's currently resolved licensable activities, benchmarking with similar sized authorities, and next steps.

Members discussed special events vehicles and sought clarification on the current position. It was noted that the vehicles needed to hold a current MOT pass as proof of their roadworthiness. The panel commented that these vehicles should be licensed.

The panel discussed:

- the categories of goods which second hand dealers are licensed to sell and requested that the list was updated to include modern technological devices;
- licensing the hire of boats. They were advised that licensing boat hire would duplicate work carried out by Scottish Canals and the panel agreed to remove this from the resolution and noted that such technical work was better handled by expert authorities.
- the licensing of community centres. The panel were advised that information was being gathered to identify which community halls notified the Council when they were going to hold events.
- the potential expansion of public entertainment activities including: children's soft play areas; tanning salons, and nail bars. The panel requested that officers explore this further.

The panel **agreed** to note the report.

4. Date of Next Meeting

The date of the next meeting would be confirmed at a later date.

APPENDIX 7

POLICY DEVELOPMENT PANEL – REVIEW OF CIVIC LICENSING ACTIVITY

NOTE OF MEETING HELD ON FRIDAY 4 MARCH 2016 at 10.00 a.m.

WITHIN MUNICIPAL BUILDINGS, FALKIRK.

In attendance: Councillor Jim Blackwood (Convener); Provost Pat Reid; Alison Barr (Consumer Protection Manager); Bryan Douglas (Licensing Co-ordinator); Jack Frawley (Committee Services Officer), and Rose Mary Glackin (Chief Governance Officer).

Apology: Councillor Dennis Goldie.

Councillor Blackwood welcomed those in attendance to the eighth meeting of the panel. The purpose of the meeting was to consider reports by the Chief Governance Officer, at items 2 and 3 below, in relation to the Review of Civic Government (Scotland) Act 1982 Resolution 9; and the development of a Public Procession Policy.

An agenda had been circulated prior to the meeting and this included (a) a note of the previous meeting; and (b) the said reports by the Chief Governance Officer.

1. Note of Meeting held on 18 September 2015

The panel **agreed** the note of the meeting of the policy development panel held on 1 December 2015.

2. Report by Chief Governance Officer – Review of Civic Government (Scotland) Act 1982 Resolution 9

The Consumer Protection Manager was heard in relation to the report by the Chief Governance Officer considering the current Resolution.

The report detailed the background to the Council's current position and provided a summary of previous consideration by the panel. The report stated that the panel had indicated that all of the optional licensable activities, with the exception of boat hire, should continue to be licensed. The list of articles relating to Second Hand Dealing had been modernised, and officers had conducted an analysis of public entertainment categories. Information was also provided advising that the Scottish Government had issued a commencement Order on 2 February 2016 in relation to the mandatory licensing of metal dealing. Metal dealing was not included in the current resolution and a report would be submitted to the Civic Licensing Committee on this matter.

The panel **agreed** to recommend the proposed changes to the Resolution to the Executive.

3. Report by Chief Governance Officer – Development of a Public Procession Policy

The Consumer Protection Manager was heard in relation to the report by the Chief Governance Officer considering the development of a Public Procession Policy.

The report presented a draft public processions policy with the rationale and evidence underpinning it. A copy of the draft policy was appended to the report. The report proposed that a short (four week) consultation exercise was undertaken with various stakeholders:-

- Elected Members;
- Community Councils;
- Those organisations/individuals on the “opt-in” list;
- Organisers of regular processions in Falkirk;
- Town Centre Management;
- Police Scotland, and
- The Roads Authority.

Members requested that details of the “opt-in” list was included in a future report.

The panel **agreed** that officers undertake a consultation exercise on the draft Public Processions Policy after obtaining clarification from Police Scotland the Roads Authority regarding road closures.

4. **Date of Next Meeting**

The date of the next meeting would be confirmed at a later date and would follow conclusion of the consultation period.