

FALKIRK COUNCIL

Subject: DECISIONS TAKEN UNDER POWERS DELEGATED TO OFFICERS DURING RECESS PERIOD: PUBLIC PROCESSIONS
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

1.1 On 20 June 2012, Council delegated authority to officers to take certain decisions during the recess period that would otherwise have been taken at committee. The purpose of this report is to advise members of two decisions taken within the Chief Executive Office (Governance) using these powers.

2. DECISIONS TAKEN UNDER DELEGATED POWERS

2.1 Both decisions related to public processions taking place in Denny in which notifications had been submitted to the Council in accordance with the Civic Government (Scotland) Act 1982. The first procession, by the Denny True Blues, was due to take place on 7 July 2012, at 8am in the morning and again at 5pm in the afternoon; and the second, by Cairde Na hÉireann, was due to take place on 21 July 2012.

2.2 Both notifications attracted representations from Central Scotland Police.

2.3 It should be noted that the Council as licensing authority does not give permission for public processions. That permission already exists by operation of law. However, the Council does have authority to prohibit a procession or to impose conditions on it where certain legal tests are met. In determining whether to take either of these actions, the Council must have regard to the likely effect of the procession in relation to public safety, public order, damage to property or disruption of the life of the community. The views expressed by the marchers are not, of themselves, relevant in this regard.

Denny True Blues

2.3 In the case of the Denny True Blues procession, the Police submission concentrated on the route of the march, which was through the town centre along Stirling Street and Glasgow Road, and the timing (at 8am in the morning and again at 5pm in the afternoon), with the Police view being that the march would disrupt the flow of traffic through Denny at busy times and, as a consequence, would be disruptive to the life of the community.

2.4 Advice was sought on the issue of traffic disruption from the Council's Roads Service. Their view was that traffic levels at 8am and 5pm were relatively light and, taking into account the anticipated size of the procession, they considered it unlikely it would cause any significant disruption.

2.5 Given the absence of any further community representations and the fact that a precursory meeting had been held that allowed both the Police and the event organisers

to discuss the issues contain in the Police submission, it was not considered necessary to hold a formal hearing to consider the representation. In all of the circumstances of the matter, it was concluded that none of the conditions the Council requires to take into account under the Act were engaged to the extent that an order preventing or modifying the procession was justified. Both legs of the procession accordingly went ahead on 7 July.

Cairde Na hÉireann

- 2.6 The representation from Central Scotland Police with regard to the procession by Cairde Na hÉireann related to the proposed start time of 11am with the police preferring an earlier start time of 10.15am and seeking an order to that effect. The reasons for this were stated to be lessening the risk of alcohol fuelled disorder thereby maintaining public order and safety, and reducing traffic disruption and thereby disruption to the life of the community. The view of the Roads Authority was that, while the earlier the march time the quieter the roads would be, they did not consider that a difference of 45 minutes would be significant. Given the Police emphasis on public order and safety, however, it was considered appropriate to hold a formal hearing at which the Police and the applicant would be in attendance and at which the representation grounds could be explored in more detail.
- 2.7 The hearing took place on 13 July 2012 before the Chief Governance Officer and the Depute Chief Governance Officer. Having heard both parties in respect of the timing issue, and having had regard to the terms of the Act, it was not considered that the test of necessity to make an order modifying the procession had been met. The procession accordingly went ahead on 21 July.

3. RECOMMENDATION

- 3.1 The foregoing decisions are reported to Committee for noting in accordance with the decision of Council on 20 June 2012.

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Chief Governance Officer

Date: 30 July 2012

LIST OF BACKGROUND PAPERS

Nil