

LICENSING SUB-COMMITTEE INFORMATION SHEET
14 August 2019

TYPE OF APPLICATION: Notification of Public Procession
APPLICANT: Gary Kelly, All Under One Banner

INFORMATION NOTE

The initial notification for the procession was submitted in September 2018 and detailed a route from the Castlegate to Duthie Park. This raised concerns regarding public order and disruption of the community on the part of the Council's Roads Department. Following discussions with all parties the applicant agreed to amend the route to the current proposal of Albyn Place to the Castlegate. During this time the named organiser had changed a number of times and so the applicant was requested to submit amended paperwork with the new route and details of the new organiser. This was submitted on 31 July and circulated to the usual consultees. Police Scotland submitted a response with a number of proposed conditions. These were forwarded to the applicant on 2 August but at the time of writing we have not received any response from the applicant. As the conditions have not been agreed the Order cannot be issued under delegated powers and requires to be determined by the Sub-Committee. Copies of the amended notification and the response from Police Scotland are attached.

DESCRIPTION

Notification of Public Procession

CONSULTEES

- Police Scotland
- Public transport representatives
- Taxi representatives
- Local MPs and MSP
- Ward Councillors
- Council departments – roads, city events, emergency planning.

OBJECTIONS/REPRESENTATIONS

Police Scotland

COMMITTEE OPTIONS

1. Grant permission without any additional conditions
2. Grant permission subject to additional conditions
3. Prohibit the holding of the procession

MATTERS TO BE TAKEN INTO CONSIDERATION

The considerations to which the local authority shall have regard when deciding whether to prohibit the holding of a procession or impose conditions on it under this section shall include—

(a) the likely effect of the holding of the procession in relation to—

(i) public safety;

(ii) public order;

(iii) damage to property;

(iv) disruption of the life of the community;

(b) the extent to which the containment of risks arising from the procession would (whether by itself or in combination with any other circumstances) place an excessive burden on the police;

(c) where the person proposing to hold the procession has previously held one in the area of the authority or the persons likely to take part in the procession, or some of them, are the same persons as took part in one previously held in that area, or some of them—

(i) whether the previous procession was held in breach of a prohibition under this section on its being held or of a condition so imposed on the holding of it;

(ii) whether any guidance or code of conduct issued by the authority as to the holding of the previous procession or as to the holding of processions generally was followed; and

(iii) the effect of the previous procession in relation to the matters mentioned in sub-paragraphs (i) to (iv) of paragraph (a) above and in paragraph (b) above.