

LICENSING COMMITTEE

ABERDEEN, 27 March, 2012 – minute of meeting of the LICENSING COMMITTEE. Present: Councillor Blackman (Convener); and Councillors Allan, Boulton, Collie, Cormie, Donnelly (for items 1 – 3 as substitute for Councillor Wisely), Fletcher, Hunter, Leslie, MacGregor, Noble, Malone (for items 1 – 3 as substitute for Councillor John Stewart), and Townson.

The agenda and reports associated with this minute can be located at the following link:

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=2449&Ver=4>

REQUEST FOR DEPUTATION

1. The Committee was advised that a request for deputation had been received from Unite the Union in relation to item 2 of the agenda (Licence Application Fees).

The Committee resolved:

to hear the deputation prior to consideration of the report.

LICENCE APPLICATION FEES APRIL 2012 – MARCH 2013 (CG/12/043)

2. The Committee had before it a report by the Director of Corporate Governance which presented the proposed level of application fees for licences administered under the Civic Government (Scotland) Act 1982, and other miscellaneous statutes, with a recommendation that the fees come into effect on 1 April, 2012.

With reference to article 1 of this minute, the Convener invited Mr Tommy Campbell of Unite the Union to address the Committee. Mr Campbell requested that no increases relating to taxis be implemented by the Committee on this day.

The report recommended:

that the Committee –

- (a) approves the fees as per appendices 1 and 2B to the report; and
- (b) agrees that all other existing fees remain at their current levels.

The Committee resolved:

- (i) to note that the fee charged for a variation to the Public Entertainment Licence would not be increasing as suggested at page 5 of the report, and would remain as £273;
- (ii) to note that the fee charged for the granting of a Taxi Driver's Licence would not be increasing as suggested at page 11 of the report, and would remain as £50;
- (iii) to note that the increase in the price of a renewal licence for cinemas recommended was 4% and not 6% as suggested within the report (the figure of £208 as per page 6 of the report being correct as per a 4% increase); and
- (iv) to agree the recommendations as contained within the report, with the above amendments being taken into account.

NATIONAL FRONT SCOTLAND NOTIFICATION OF PUBLIC PROCESSION

3. The Committee had before it (1) a Notification of Public Procession from National Front Scotland; (2) a risk assessment form in that regard, completed by the organiser; (3) a response from Grampian Police in relation to the Notification; and (4) a response from the Council's Roadworks Construction team in relation to the Notification. Within the Notification it was proposed that the march take place on Friday 20 April, 2012 at 6pm commencing from Adelphi Lane to Union Terrace Gardens.

As a preliminary point the person proposing the procession Mr David MacDonald (on behalf of National Front Scotland) agreed to the circulation of thirteen letters of representation for consideration by members.

The Committee heard from Chief Inspector Keith Henderson of Grampian Police and Mr MacDonald.

The Committee considered the presentations from the organiser and Grampian Police, and answers given to questions asked of both.

The organiser's failure to acknowledge the risks as highlighted by the Police were of particular concern when the safe operation of the event relies on the cooperation between the organiser and the Police. The organiser's dismissal of the significance of aspects of the proposed march in the eyes of the general public, were also of concern.

In coming to its conclusion, the Committee considered the proportionality of its actions, under Article 11 of the European Convention of Human Rights and its qualifications 11(2). Also, under Article 17 of the European Convention of Human Rights, the Committee believed the level of disruption to the community would be disproportionate in comparison to the necessary restrictions on the rights of assembly arising from this prohibition.

The Committee resolved:

to prohibit the procession on the grounds of (1) public safety; (2) public order; (3) damage to property; and (4) disruption of the life of the community.

ABERDEEN TRADES UNION COUNCIL NOTIFICATION OF PUBLIC PROCESSION

4. The Committee had before it (1) a Notification of Public Procession from Aberdeen Trades Union Council; (2) a risk assessment form in that regard, completed by the organiser; (3) a response from Grampian Police in relation to the Notification; and (4) a response from the Council's Roadworks Construction team in relation to the Notification. The Notification proposed that the march take place on Friday 20 April, 2012 at 6pm commencing from Adelphi Lane to Union Terrace Gardens.

The Committee heard from Chief Inspector Keith Henderson of Grampian Police and the person proposing the event (Mr Sultan Feroz of Aberdeen Trades Union Council).

Further to extensive discussion on the matter, Mr Feroz withdrew the Notification as a result of members' concerns regarding the proposed date and time of the march.

The Committee resolved:

to note that the Notification of Public Procession was withdrawn due members' concerns regarding the proposed date and time of the march.

- **COUNCILLOR KIRSTY BLACKMAN, Convener.**