

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 20 February 2020 at 10.45am.

Present: Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, COLIN BROWN BEM, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING, DAVID LUMGAIR, GAVIN NICOL and BETH WHITESIDE.

Councillor FOTHERINGHAM, Convener, in the Chair.

In accordance with the provisions of Standing Order 11(1) the Committee resolved that the order of business proceed in the following order.

1. APOLOGY

An apology for absence was intimated on behalf of Councillor Brian Boyd.

2. DECLARATIONS OF INTEREST

Councillors Fotheringham and Fairweather declared a non-financial interest in item 8 Report No 61/20 as they had been contacted by one of the applicants but had made no comments on the proposed public procession. They advised that they would participate in any discussion and voting.

Councillors King, Durno and Whiteside declared a non-financial interest in item 8 Report No 61/20 as they had no connections with either "All Under One Banner" or the "Scottish Independence Movement" and had no involvement in the organisation, planning or administration of the marches that were being proposed. Similarly, Arbroath & District Branch of the Scottish National Party, of which they were members, had no involvement in the organisation, planning or Administration of these matches. They advised that they would participate in any discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 9 January 2020 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 60/20 by the Director of Legal and Democratic Services detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which had been granted/renewed by the Director of Legal and Democratic Services in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications detailed in the Appendix to the Report, granted/renewed under delegated powers during the period 5 December 2019 to 28 January 2020.

5. WHEELCHAIR ASSISTED VEHICLES

With reference to Article 12 of the minute of meeting of this Committee of 31 October 2019, there was submitted Report No 62/20 by the Director of Legal and Democratic Services which provided an update, in respect of the progress in assessing and addressing unmet need for wheelchair accessible taxi and private hire cars and vehicles and sought authority to appoint consultants to assess and advise the Council in relation to this, including to recommend measures to address assessed unmet need.

The Committee agreed to hear Councillor Speed, who addressed the Committee during which she gave members an example of a constituent who had recently found it impossible to book a wheelchair accessible vehicle for attending his wife's funeral and eventually could only obtaining one from outside Angus at a considerable cost to him.

She reiterated her concerns that she felt that Angus residents with physical disabilities faced inequalities as they struggled to find suitable accessible vehicles that could accommodate them.

Much discussion took place and members noted the response from Ash Denham MSP, Minister for Community Safety which was attached as Appendix 1 to the Report and that steps were being taken to advise taxi and private hire operators in Angus of the interest free loans available through the Energy Savings Trust and funded by Transport Scotland.

The Report indicated that a market engagement exercise had been undertaken with eight consultants who were asked if they would be able to assist the Council by assessing and advising on the extent and nature of unmet need for wheelchair accessible vehicles in Angus and to recommend measures to address assessed unmet need.

It was noted that two consultants had responded and details of their process were attached as Appendix 2 to the Report.

The Committee agreed to:-

- (i) note the motion moved and approved at the meeting of Angus Council at its meeting on 5 December 2019;
- (ii) note the response received from Ash Denham MSP, Minister for Community Safety at the Scottish Government;
- (iii) note that steps were being taken to advise taxi and private hire operators in Angus of the interest free loans available through the Energy Savings Trust and funded by Transport Scotland;
- (iv) approve the appointment of consultants to assess and advise on the extent and nature of unmet need for wheelchair accessible vehicles in Angus and to recommend to the Committee measures to address assessed unmet need; and
- (v) note that a progress Report would be submitted to the Committee in due course.

6. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 28(2) that the public and press be excluded from the meeting during consideration of item 7 so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 3 & 6.

WHEELCHAIR ASSISTED VEHICLES (EXEMPT APPENDIX)

The Committee noted the exempt Appendix 3 to Report No 62/20 in relation to Item 5 above which detailed the estimated cost of this work.

7. CURRENT LICENCE HOLDER – LETTER OF COMPLAINT

There was submitted Report No 63/20 by the Director of Legal and Democratic Services regarding a letter of complaint received from Police Scotland dated 3 January 2020 in relation to a current licence holder under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

The licence holder was present and addressed the Committee.

The Committee then heard from PC Robyn Jamieson who spoke on the contents of the letter from Police Scotland dated 3 January 2020.

The Committee having noted that the criminal case was still pending, agreed that the matter be deferred until the final outcome of any charges were known.

8. PUBLIC PROCESSION

There was submitted Report No 61/20 by the Director of Legal and Democratic Services asking the Committee to consider two written notices received in respect of proposed public processions under Section 62 of the Civic Government (Scotland) Act 1982.

Mr Mandeep Singh addressed the Committee on behalf of the Scottish Independence Movement and advised that the application, which had been submitted last year, proposed a 1pm start for marching on 4 April 2020. He confirmed that there would be adequate stewards and volunteers in place to deal with the 10,000 participants which he estimated would take part. He also advised that he wished his organisation to march first on 4 April 2020.

The Committee then heard from Mr Neil MacKay, on behalf of All Under One Banner who advised the Committee that he had also submitted his application last year and wished to commence marching at 12 noon on 4 April 2020. He advised that he also had adequate stewards and volunteers in place and estimated around 15,000 participants.

Members then asked questions of each applicant regarding the proposed routes and timings of each march.

Chief Inspector Gordon Fotheringham then addressed the Committee and spoke of the difficulties in policing two different marches along two different routes on the same day as diversions and a temporary traffic order required to be put in place to accommodate these marches. He went on to explain that he would prefer both marches to commence together and follow the same route. He also advised that Police Scotland would meet with stewards for a briefing beforehand to help avoid any conflicts between both organisations.

At this point, the Committee then adjourned to take legal advice and consider matters in private before resuming the meeting in public.

The Committee agreed:-

- (i) that orders in respect of both notices on the holding of the processions be approved with the following conditions for each notice;
- (ii) that both processions shall commence at 12 noon on Saturday 4 April 2020;
- (iii) that both processions be kept to the route stated below;
Inchcape Park, A 92 (Dundee Road, Ladyloan and Burnside Drive), East Grimsby, Ladybridge Street, High Street, Hamilton Green, footpath through the Abbey Arch, Abbey Street, West Abbey St, Hill Terrace, Hill Place, Hill Road, Kings Drive (within Victoria Park), Victoria Park (all in Arbroath).
- (iv) that the procession must always keep moving except for emergency purposes;
- (v) that the organisers and marshals will assist Police Scotland in ensuring that regular and appropriate passage across the procession is allowed in accordance with instructions from Police Scotland;
- (vi) that no vehicles may be part of the procession; and
- (vii) that the above conditions were considered necessary for the following reasons:-
 - (a) to enable proper arrangements to be made for Police Scotland supervision, traffic management, road closures and other consequential requirements (and having regard to another procession taking place on the same day);
 - (b) to ensure the safety and security of the procession (and having regard to another procession taking place on the same day);
 - (c) to safeguard the interests of, and to minimise the risk to, members of the public who are not involved in the procession as well as continuing service to the wider community (and having regard to another procession taking place on the same day).

- (d) to minimise the likely effect of the holding of the procession in relation to public safety, public order, damage to property and disruption of the life of the community (and having regard to another procession taking place on the same day); and
- (e) to avoid the containment of risks arising from the procession (whether by itself or in combination with any other circumstances (including another procession taking place on the same day)) placing an excessive burden on the police.