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Argyll and Bute Council **Comhairle Earra Ghaidheal agus Bhoid**

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16 June 2014

SUPPLEMENTARY PACK 3

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on WEDNESDAY, 18 JUNE 2014 at 2:00 PM

I enclose herewith item 3 which was marked "to follow" on the Agenda for the above Meeting.

ITEMS TO FOLLOW

3. MINUTES

- (h) Planning, Protective Services and Licensing Committee 6 June 2014 (Pages 1 - 14)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor David Kinniburgh (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor Mary-Jean Devon	Councillor George Freeman
Councillor Alistair MacDougall	Councillor Robert Graham MacIntyre
Councillor Donald MacMillan	Councillor Roderick McCuish
Councillor Alex McNaughton	Councillor James McQueen
Councillor Sandy Taylor	Councillor Richard Trail

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the PILLAR HALL, VICTORIA HALLS, HELENSBURGH
on FRIDAY, 6 JUNE 2014**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor James McQueen
Councillor Mary-Jean Devon	Councillor Sandy Taylor
Councillor Donald MacMillan	Councillor Richard Trail
Councillor Roderick McCuish	

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Mr McCaig, Applicant
Mr McLean, on behalf of the Applicant
Campbell Divertie, Technical Officer, Development & Infrastructure
Services - Consultee
Superintendent Gail McClymont, Police Scotland - Consultee
Chief Inspector Gary Stitt, Police Scotland - Consultee
John Tacchi, Helensburgh Community Council
Darrel Hendrie, Helensburgh Community Council
Alec West, Objector
Laurence Friel, Objector
Rev Derek Cook, Objector
Anne Cook, Objector
J Rudram, Objector
Councillor Vivien Dance, Objector
Fiona Baker, Objector
Rev David Clark, Objector
Gordon Bickerton, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Robin Currie, George Freeman, Alex McNaughton and Rory Colville.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. PUBLIC PROCESSION NOTIFICATION

The Chair welcomed everyone to the meeting and introductions were made and outlined the procedure that would be followed. The Chair asked Mr Reppke to verify those parties present who wished to participate and he then invited the Applicant to speak in support of his application.

Applicant

Mr McLean spoke on behalf of the Applicant, Mr McCaig, County Grand

Lodge Ayrshire, Renfrewshire and Argyll. He advised that the intention of the hearing was for the Committee to determine consent and reiterated that a vital principle was at stake in the determination made by the Committee. He highlighted the 183 various objections made against the Procession and stated that in the eyes of the law the Procession was lawful and to deny it would, in his opinion, be monstrous and deny basic freedom of expression and civil liberty.

Mr McLean continued that initially Argyll and Bute officials had stated that there were no problems with the Public Procession application, and then the Applicant had been informed of an inundation of objections - 183 in total, to date. He highlighted that these objections had been redacted and he questioned the validity of this.

Mr McLean provided debriefing details of previous Grand Orange Lodge Parades and highlighted that no disorder or anything untoward had occurred and detailed the praise which had in fact been received from, the then, Strathclyde Police force. He drew attention to content of a previous Minute from a Bute and Cowal Area Committee meeting in 2002, whereby a decision had been agreed upon to prohibit an Orange Lodge Parade. Consequently this had been overturned by the local Sheriff and the legal costs incurred by the Orange Lodge had been successfully retrieved. He requested that a letter written to the Chief Executive of Argyll and Bute Council be tabled at the meeting. The Head of Governance and Law advised that the letter had been received after the Agenda had been disseminated.

The Chair ruled and the Committee agreed that the letter should be tabled for Members perusal.

Councillor Vivien Dance enquired if the letter could be distributed to members of the public in attendance at the meeting.

The Chair agreed that copies of the letter be disseminated to the public and further agreed that Mr McLean read the letter aloud at the hearing as there were more members of the public than copies.

Questions to the Applicant

Mr Tacchi from Helensburgh Community Council asked the following why Helensburgh had been chosen for the proposed Parade; the number of coaches carrying marchers which would arrive on the day and the number of portable toilets which would be provided by the organisers.

Mr McLean replied that there was an existing Orange Lodge in Helensburgh and smaller Parades held in the Town had not attracted any protestation. He continued that 70 coaches would ferry marchers to Helensburgh and that sufficient toilets would be put in place in the park.

Mr Tacchi requested clarification on the exact amount of toilets to be provided for the envisaged 6000 people expected to attend the Parade which would last for approximately 6 and a half hours in total.

Mr McLean queried this figure of 6000 marchers and stated that in his estimation there would be about 3500 marchers with an expected 2500 spectators in attendance. He advised that toilets would be positioned in the park and spectators could utilise the public conveniences with the town.

Mr Hendrie from the Community Council reiterated the request for confirmation on the number of toilets ordered and enquired where the coaches would be parked.

Mr McLean verified that discussions had been held with Argyll and Bute Roads Department and that a site had been identified for coach parking.

Rev David Clark enquired upon whose suggestion Helensburgh had been identified as the venue for the proposed March.

Mr McLean replied that this had been at the invitation of the Sons of the Reformation 670 Helensburgh to commemorate the anniversary of the Battle of the Boyne.

Councillor Vivien Dance who had submitted a representation enquired if any plans had been formulated for an additional feeder March on the day and again requested the number of toilets which had been commissioned.

Mr McLean responded that the local Lodge had aligned a smaller feeder March as was the usual format. He was unable to determine the number of toilets which would be in place.

Alec West asked if both the coaches and the park would be deemed alcohol free.

Mr McLean highlighted the local Bye laws prohibiting alcohol in public places. In addition, stewards would instruct March attendees to desist from drinking alcohol. However the stewards' authority pertained to personnel within the actual Parade and a Standing order was in place to prevent alcohol from being consumed on coaches.

Alec West requested verification that the coaches would be alcohol free.

Mr McLean advised that senior officials issued instructions that coaches should be checked to ensure there was no alcohol on board.

J Rudram questioned the impact and inconvenience of the March to the populace of Helensburgh.

Mr McLean responded that the Orange Order had a democratic right of freedom for public assembly and that every procession carried a degree of disruption and inconvenience. In his opinion, the people of Helensburgh would not have their rights impinged or impacted upon by the proposed procession.

Fiona Baker drew attention to the possibility of a counter demonstration against the Parade.

Mr McLean acknowledged this was a possibility.

Laurence Friel enquired on the number of police who would be on duty to ensure the safety of both marchers and spectators, questioned who would meet cost of the extra policing and had the organisers made contact with local churches to ascertain if any services were being conducted.

Furthermore, he made the suggestion of a route change to eliminate any problems which may arise.

Mr McLean replied that sufficient police would be in place and detailed the 1000 Parades held every year to which no police charges were made to organisers. To the best of his knowledge, there were no scheduled church services for 28 June.

If there were any services, then he verified that appropriate arrangements would be put in place. In regards a change of route, Mr McLean advised the difficulties of making any amendments to the original route, as these had been established when the original application had been officially approved.

Councillor Vivien Dance requested clarification that the number of stewards in place would amount to 350.

Mr McLean affirmed this number.

Gordon Bickerton enquired on the procedure in place for damage to property.

Mr McLean acknowledged that payment would be made for lawfully applied damage.

Consultees

Superintendent Gail McClymont affirmed that Police Scotland were aware of the notification of the proposed Parade. A risk assessment had been undertaken to cover issues regarding safety and any potential damage which may be sustained. She verified that there would be robust policing in place with a detailed traffic management plan. The policing plan would encompass both local police, West Command and specialist officers in situ.

Campbell Divertie verified that Argyll and Bute's Road Department had been working closely with Police Scotland and had taken into account the various proposed routes, the CHORD works and a temporary traffic management plan to effectively accommodate the coaches and setting up of the Parade. Also in place would be diversionary routes and waiting restrictions to minimise any impact.

Consultations had been held with Police Scotland, Scottish Passenger Transport and the Ambulance Service and no objections have been

raised. He detailed that the coach parking would be within the Pier Car Park and also on Station Road. In addition, the CHORD project material would be removed to allow further parking.

Objectors

Alec West questioned the rights and freedom of local residents and their ability to walk into town during the Parade. In regards the stewards, he stated that he would not follow their orders and expressed the need for the local community to exert caution on the day of the Parade.

Lawrence Friel suggested that the route could be changed for the benefit of local residents in Helensburgh.

Rev Derek Cook commented that local businesses were considering closing for the day on which the Parade was proposed. In these times of financial constraint, this action could provide further financial hardship to the Town. He detailed that many elderly people lived on the route and the possible detrimental effect to them of the Parade's intimidating music. He also commented that the route passed St Joseph's Roman Catholic Church and the effect of this on the well being of the local priest.

Anne Cook commented that she was raised in a Protestant background in Belfast and had previously enjoyed watching the Parade. However, this was not now the case as, in her opinion; the Parade did not promote religion but denigrated other Religions. She highlighted that the route passed St Joseph's Catholic Church 3 times and questioned the rationale for this.

Darrel Hendry questioned with East Clyde Street being closed how access would be undertaken from East to West across the Town.

J Rudram highlighted the envisaged severe disruption to the Town which had a population of 13000 with the influx of a further 6000 people on the day of the Parade. He confirmed that this equated to a 70% increase on the day from 10.30a.m. to 3.30.p.m. on the narrow roads of the Town Centre. In his opinion, this was inappropriate for a town the size of Helensburgh and, as such, the Committee should refuse the Parade on the grounds of the perceived severe disruption.

Councillor Vivien Dance reiterated that she was protesting, not on her own behalf, but for local people who relied on their local Members to exercise their right for freedom of speech and Human rights. She detailed that she had received a petition and various letters forwarded by a total 237 local people. In her view, this gave her a clear mandate to speak on their behalf. She continued that if the Parade proceeded then this would impact onto the freedom of others and impinge onto normal community life. Councillor Dance highlighted that the local public conveniences were not sufficient for the local community; notwithstanding an additional 6000 people converging on the Town. In her opinion, the organisers should be providing at least 100 portable toilets for the Parade attendees.

She drew attention to the fact that a normal Saturday was the day when

people from outlying villages came to the Town, plus the many organised sporting activities undertaken on Saturdays. She reiterated that many local businesses may close on the day - a further blow to the local economy.

It was also the first Saturday of the school holidays and she commented that many tourists and visitors may plan to visit the Town. She urged the Committee to refuse the Parade on the grounds of disruption to community life. Councillor Dance continued that as a small town Helensburgh was not suitable to accept a further 6000 people. She stated that the Traffic Management plan was unacceptable and would be adverse to local businesses.

Fiona Baker commented that Helensburgh could not easily encompass the additional 6000 expected March attendees. Furthermore, in her opinion, the policing was not sufficient and stated that perhaps there would be a protest march to express their democratic right to free speech against the Parade. She urged the Committee to refuse the application.

Rev Derek Clark commented upon the 70th anniversary of the D Day and questioned the correlation of this to an event which the Parade commemorated 300 years previously. He continued that the marchers had nothing in common with local residents in Helensburgh and highlighted the unnecessary inconvenience and disorder which may follow. He commented on the policing costs and voiced his displeasure that his council tax or income tax could be utilised to pay for this. Furthermore, the additional police in Helensburgh on the day would be intimidating. He urged organisers to take the Parade to another venue as Helensburgh had not history of Orange Lodge parades.

Gordon Bickerton had left the meeting

Applicant's Questions to Consultees and Objectors

Neither Mr McLean nor Mr McCaig wished to ask any questions of the consultees or the objectors.

Members' Questions

Councillor McCuish enquired where the Parades had been previously held and were they of a similar size. Mr McLean replied that the venue had been Renfrew in 2013 and the Police Scotland debrief had raised no concerns. Prior to that the venue was Kilwinning and there had been malicious damage for which financial retribution had been made. He confirmed they were of a similar size in number.

Councillor Trail voiced concerns in regards Public Safety amidst the potential disruption and requested assurance that the Police could manage this. In addition he enquired on the length of time the Parade would last.

Superintendent McClymont confirmed that Police Scotland liaised with other colleagues and received debriefing reports on previous events.

Their policing plan was based on this information and she confirmed that the Parade should last approximately 20 minutes.

Councillor Devon said that she understood that under European Union legislation organisers of public processions were not charged for any policing costs, so this was not relevant for the Committee but she wished clarification that both the Roads Department and Police Scotland had consulted with other partners.

Superintendent McClymont affirmed that Police Scotland had liaised with other organisations; however it was not the police responsibility to consult with other services.

Councillor Devon questioned Campbell Divertie if Helensburgh had hosted other Public Processions.

Campbell Divertie confirmed that there had been smaller Public Processions – e.g. Winter Festivals, Pipe Band Parades. He continued that Helensburgh being a 'grid town' meant that local residents could gain access by other routes.

Councillor Taylor requested clarification on the issue of alcohol controls on the incoming coaches.

Mr McLean drew attention to the local bye law measures in place and that stewards would endeavour to ensure adherence to these.

Councillor McCuish highlighted the number of bands in attendance – 39 in total and commented on the significant impact of this to the Town. However, he questioned why this was designated as low risk on the risk register by Police Scotland as, in his opinion; this Parade warranted a significant risk.

Superintendent McClymont confirmed that Police Scotland would police the Parade robustly.

Councillor Blair raised the issue of local church services on the day and queried on the possibility of the route being changed.

Mr McLean replied that there was a possibility of amending the route if that would be helpful.

Councillor Kinniburgh again raised the portable toilet issue and questioned a report by the Helensburgh Advertiser that a private company was delivering the portable toilets and a figure of £1750 had been quoted.

Mr McCaig affirmed that there would be 12 x single unit and 3 x 6 person units delivered making a total of 30 portable toilets. Mr McLean questioned if there was an inference that this total was inadequate and highlighted that the total number of public conveniences ration in Helensburgh per head of population was grossly inadequate.

Councillor Kinniburgh questioned if the Roads Department had taken into

account the number of coaches arriving on the day.

Campbell Divertie reported that the bottom side of the Pier Car Park would be managed by the organisers. The top car park would be accessible to members of the public and local residents. In his opinion, these locations were adequate.

Councillor Kinniburgh raised concerns in regards the Parade finishing at the Pier Car Park and questioned the ingress and egress of coaches and requested where the CHORD material would be removed to.

Campbell Divertie affirmed that the organisers would manage the flow of coaches and in regard to the CHORD material, the CHORD Project manager was liaising with the contract on the proposed material being removed from the site.

Councillor Kinniburgh reiterated his concerns on the adequacy of the site for the coach parking as he estimated that there was only coach parking for 13 coaches, although he acknowledged that Mr Divertie had stated earlier that the number of coach spaces available was irrelevant as close coach parking would be available on the day due to the car park closure. In addition he queried if the funfair was being erected.

Campbell Divertie confirmed that the funfair organiser was aware of the forthcoming Parade.

Councillor McCuish requested verification that an Event Plan was in place. The Applicant, Roads Department and Police Scotland verified this.

Councillor Trail enquired if other parades in small towns resulted in much damage to local property.

Superintendent McClymont confirmed that she was not aware of any significant damage being sustained.

Councillor McQueen advised that a recent Parade in Dunoon had not resulted in any trouble and this was confirmed by the Superintendent.

Councillor Kinniburgh enquired on the possibility of the route being changed and reiterated his concerns in regards the adequacy of the coach parking.

Campbell Divertie replied that this could be undertaken and agreed to liaise with the Applicant on this issue and affirmed that there was a possibility of some disruption to public life in regards the parking on the day of the Parade.

Councillor Kinniburgh requested clarification from Mr Tacchi in regards the number of toilets needed in his estimation for the Parade.

Mr Tacchi confirmed that he felt 23 toilets were needed and to distribute these between the Park and Pier Car park. The Applicant agreed with

this proposal.

Councillor Devon commented that if an alternative route was sourced then perhaps objections would be removed.

Campbell Divertie responded that other routes had been given consideration to; however these could incur other risks.

Councillor Kinniburgh again raised the issue of the CHORD material being removed.

Campbell Divertie verified that discussion were taking place with colleagues on this issue and also in regards to the managing and manoeuvring of coaches.

Councillor Blair highlighted his disappointment that not enough time had been afforded to the analysis of adequate car parking for the Parade and hoped that this would be addressed for future meeting.

Campbell Divertie noted Councillor Blair's comment.

SUM UP

Objectors

Alec West stated that he hoped the Parade did not go ahead and voiced concerns in regard the timing of the Civic Hearing.

[Councillor Kinniburgh advised that this had been the most opportune time taking into consideration Members' attendance on other Council business and getting the Hall booked accordingly. He drew attention to the fact that he had decided that the Hearing should be held locally and not Kilmory which was the usual procedure.]

Rev David Cook highlighted Health and Safety concerns on Marchers crossing over the bridge and stated the overly sectarian ethos of the Orange Lodge. As such, he requested the Committee revoke the original decision for the March to proceed.

Anne Cook reiterated that this was a sectarian March and highlighted concerns for the proposed route along West King Street.

Mr Tacchi highlighted his concerns in regards the number of portable toilets being provided by the organiser. However, he confirmed his confidence in the Committee to make the right decision taking into account the democratic right of the local community not to be unnecessarily inconvenienced.

Darrel Hendrie reiterated Mr Tacchi's statement.

Jack Rudram shared the previous disappointment voiced by local residents and took no comfort from the envisaged disruption. In his opinion, there were sufficient grounds to refuse consent for the Parade.

Councillor Dance drew attention to the fact that her submission was on behalf of the local community and highlighted the significant disruption and insufficient infrastructure to accommodate the Parade. She continued that, in her opinion, there was no effective plan in place, lack of consultation with the public and no real consideration had been afforded to the coach parking. She emphasised that democracy was being witnessed today and the purpose of the Civic Hearing was to listen to the intent and wishes of local people in their submissions.

Fiona Baker had left the meeting.

Gordon Bickerton who had returned to the meeting raised his concern about the proposed parade.

Rev David Clark outlined that local people had no connection or relationship with the Parade and reiterated the chaos which would be caused by the coach parking at the Pier Car park.

Consultees

Superintendent McClymont confirmed that Police Scotland does not routinely comment on the number of officers being deployed, Event plans, tactics nor policing costs. In her opinion, the planned route was the safest route with the least disruption.

Campbell Divertie informed the Committee that Station Road could encompass 30 coaches and detailed his calculation. Thirty coaches x 15 metres equated to 450 metres which Station Road could adequately accommodate.

Applicant

Mr McLean stated that the Objectors disagreed with the ideology of the Orange Lodge and emphasised that the Parade was to commemorate the Battle of the Boyne. He disagreed with the statement made by David Cook in which he declared that the Parade was overtly sectarian and did not represent the views of a large number of the population. Mr McLean continued that all processions, no matter how small, had a degree of disruption; however not enough to prevent holding a procession. In his opinion, each Local Authority should determine the effect on their community. The issue to take into account is the level of disruption greater than the right to free assembly. He highlighted that the Police Scotland report designated the Parade to be of low risk. Furthermore, if Argyll and Bute prohibited the Parade on the grounds of public disorder then would it be people who opposed the procession. Mr McLean continued that this was a crucial decision for the Committee to make and he was of the opinion that no material had been submitted to warrant the interference to democratic public assembly.

He highlighted the number of emails which the Committee had been bombarded with opposing the Parade. However he reiterated the duty of the Committee to uphold the Human Right Act Scotland and the freedom to process in public.

The Chair then asked all parties to confirm they had received a fair hearing and they all confirmed this to be the case.

Debate

Councillor McCuish commented that he held no views for or against the Applicants' right to process. However, he had grave concerns in regards the influx of the Parade attendees into Helensburgh and the degree of disruption this would bring.

Councillor Trail had listened to the comments made and the feeling of distaste for the Parade. In regards the scale of the March, in his opinion this was beyond what Helensburgh could encompass and he acknowledged the amount of public disruption this could bring. However, he acknowledged the right for freedom of expression by the Applicant.

Councillor MacMillan outlined his concerns that basic Human Rights be adhered to.

Councillor Devon detailed that she had given consideration to the relevant factors and noted that in regards Public Safety there were no specific issues, nor had the Police detailed any concerns. However, she was aware of the possible disruption on the lives of the local community.

Councillor Taylor acknowledged the potential disruption to the local community. However, Police Scotland had confirmed the limited traffic issues. In regards the proposed route, if changes were made to minimise the outcome feared by the local community, this may address their concerns.

Councillor Blair highlighted that the Hearing was being held on the same day as the World War 2 D day. He reflected that Scotland had multiple identities and many factions. With Council Officers support and advice, taking into regard the safety aspect of the Parade, perhaps this was an opportunity to move forward.

Councillor McQueen commented that he held great store in the local Police managing the Parade effectively.

Councillor Kinniburgh pointed out that he had given consideration to all the different aspects of the Hearing. In regards Public Safety both the Police and the Applicant had given their account. The Public Order aspect was being addressed in regards an adequate supply of portable toilets. However, his main concern was the disruption to community life

and the limited infrastructure in Helensburgh to accommodate an influx of 6000 people on the day of the Parade. He also spoke in regards to serious reservations about the progression of the new CHORD works in the Town.

The Chair ruled, and the Committee agreed, to adjourn for a comfort break and to allow Members to consider the terms of any Motion.

The Members returned and the Chair called for the Motion.

Motion

In view of the ongoing CHORD works taking place in Helensburgh at the moment I am of the opinion that the infrastructure of the Town Centre is not capable of accommodating the level of traffic envisaged on the 28th June 2014 and I have not been reassured by the Applicant or Consultees that this parade will not cause severe disruption on the road network of the Town Centre. Any parade or event of this magnitude cannot be accommodated within the existing infrastructure at this time and I therefore move that the application is refused.

Moved by Councillor David Kinniburgh, seconded by Councillor Mary Jean Devon

Amendment

It is clear from all who have spoken that there is a widespread view that the event will have an impact on the town. The Police acknowledge that but say that this will be restricted to traffic disruption, and that they have experience of, and can manage the event so as to ensure the protection of the public and property.

That leaves two issues ably articulated by the community, the question of adequate toilets and the procession route.

I therefore propose that the Committee do not prohibit the procession, but that it does apply the following conditions:

- (a) That the toilet provision, which must be provided, be provided in accordance with the numbers and in the locations specified by the Protective Services Manager (Argyll and Bute Council),
- (b) That the final route of the procession be amended so as to avoid the repetitive passage outside St. Joseph's Church, following discussion between the Applicant, Police Scotland and the Head of Roads, Argyll and Bute Council, with final determination and any amendment to the route being delegated to the Head of Roads and Amenity services, and
- (c) The Council's Standard Conditions applicable to Public Processions.

Moved by Councillor Sandy Taylor, seconded by Councillor Richard Trail

The Amendment was carried by 5 votes to 3 and the Committee resolved accordingly.

Decision

Agreed not to prohibit the procession and to apply the following conditions:-

- (a) That the toilet provision, which must be provided, be provided in accordance with the numbers and in the locations specified by the Protective Services Manager (Argyll and Bute Council),
- (b) That the final route of the procession be amended so as to avoid the repetitive passage outside St. Joseph's Church, following discussion between the Applicant, Police Scotland and the Head of Roads, Argyll and Bute Council, with final determination and any amendment to the route being delegated to the Head of Roads and Amenity services, and
- (c) The Council's Standard Conditions applicable to Public Processions.

(Reference: Report by Executive Director – Customer Services dated 27 May 2014, submitted)

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