

Licensing Committee
26 June 2008

IRVINE, 26 June 2008 - At a special Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

Elisabethe Marshall, Robert Barr, Ruby Kirkwood, John Moffat, Ryan Oldfather and Joan Sturgeon.

In Attendance

N. Alexander, Chief Legal Officer (Licensing and District Court) (Legal and Protective); and M. McKeown, Corporate Support Officer (Chief Executive's).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

William Gibson.

1. Civic Government (Scotland) Act 1982: Application for a Parade

The Loyal Orange Bishop Burnett Memorial District No. 48 has previously been granted permission to hold a parade in Kilwinning on the morning of Saturday 28 June 2008. The organisation has now applied for a return parade in Kilwinning later the same day.

Applicants proposing to hold a procession in public are required by subsection 62 (1) of the Civic Government (Scotland) Act 1982, to give written notice of that proposal to the local authority in whose area the procession is to be held. In terms of subsection 62 (2) of the said Act, a minimum of 28 days notice is required. Subsection 62 (3) of the Act, requires that the notice state the date and time when the procession is to be held, its route, the number of persons likely to take part in it, arrangements for its control made by the person proposing the procession, and the name and address of that person.

In terms of subsection 62 (4) of the Act, a person proposing to hold a public procession may apply to the local authority to make an Order dispensing with the time limits for the giving of notice of a proposal. Any such application must state the reasons why notice of the proposal was not given in accordance with subsections 62 (1) and 62 (2), and must also provide the information set out in subsection 62 (3). Guidance published by the Scottish Executive in December 2006 however suggests that local authorities should only waive the 28 day notice period in "exceptional circumstances".

As the application was not received until 25 June 2008, a special meeting of the Committee was convened to allow the applicants to apply for a waiver of the legislative requirement to give 28 days. The applicants were in attendance at the meeting and addressed the Committee on why the required notice was not given.

The applicants withdrew from the meeting to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee, Councillor Oldfather dissenting, agreed (a) that the reasons presented by the applicants for the late submission of the application were not exceptional; (b) not to make an Order in terms of Subsection 62 (4) of the Civic Government (Scotland) Act 1982 dispensing with the time limits for notice of the proposal; and (c) in the circumstances to decline to consider the application.

The meeting ended at 2.45 p.m.